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are nay they do preserve as in a vial
extraction of that living Intellect that bred

Prof RAMESHWAR SH
Principal & Controller

The Price of Freedom

In this compelling and provocative book Walter Lippmann, one of America's leading political thinkers, urgently warns Western man that his liberty is dangerously threatened In bold highly readable fashion, he re-examines traditional democratic ideals—freedom of speech, free public education the enjoyment of private property and other issues of vital concern to freedom loving peoples all over the world.

Mr Lippmann believes that democratic procedures can be safeguarded only by a strong central government, unafraid of the power of mass opinion. Men will continue to be free he says only if they elect officials who cannot be bribed, appeased or intimidated by private groups but who will govern [illegible]g to the public [illegible] or those principles of unselfish behavior which form the basis of the U S Constitution

Here is an imaginative philosophically-grounded discussion which urges every democratic citizen to place the good of his fellow man above personal interest in order to preserve democracy at large and his own individual liberty

w [illegible] with great clarity and deep feeling

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TO HELEN

They are ill discoverers
that think there is no land,
when they see nothing but sea.

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Washington D C
1954

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BOOK ONE

The Decline of the West

CHAPTER ONE

The Obscure Revolution

1 *My Reason for Writing This Book*

DURING the fateful summer of 1938 I began writing a book in an effort to come to terms in my own mind and heart with the mounting disorder in our Western society. I was living in Paris at the time, and I had learned that the decision had been taken which was soon to lead Mr Chamberlain and Monsieur Daladier to Munich. Little hope remained that another world war could be averted except by abject surrender, and yet there was no sure prospect that France and Great Britain would be able to withstand the onslaught that was coming. They were unprepared; their people were divided and demoralized. The Americans were far away, were determined to be neutral, and were unarmed. I was filled with foreboding that the nations of the Atlantic Community would not prove equal to the challenge, and that, if they failed, we should lose our great traditions of civility, the liberties Western man had won for himself after centuries of struggle, and which were now threatened by the rising tide of barbarity.

I began writing impelled by the need to make more intelligible to myself the alarming failure of the Western liberal democracies to cope with the realities of this century. I had done a draft of the book when the fall of France made it evident that we too must soon be engaged

Sir Ernest Barker, *Traditions of Civility* (1948). The phrase is from Coventry Patmore.

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1914: The Revolutionary Year

IN DECEMBER 1941 I put the manuscript away, knowing that so much was going to happen to the world and to me that if ever I went back to the book, it would be to start all over again. When I did come back to it after the war the foreboding which had inspired it was in a terrible measure realized. Something had gone very wrong in the liberal democracies. They had, to be sure, defeated their enemies. They had avoided defeat and subjection. But they were unable to make peace and to restore order. For the second time in a generation they had failed to prevent a ruinous war; they had been unwilling to prepare themselves to wage the war, and when at long last and at exorbitant cost they had managed to defeat their enemies, they had been unable to make peace out of their victories. They were entangled in a vicious circle of wars that led to ever bigger and wider wars. Could it be denied that they were sick with some kind of incapacity to cope with reality, to govern their affairs, to defend their vital interests and, it might be, to insure their survival as free and democratic states?

There was no mistaking the decline of the West. Thirty years after Wilson had proclaimed a world at peace under democratic governments, the North Atlantic democracies were preoccupied with the defense of western Europe and the fringes of the Eurasian continent. In less than half a century it had come to that. In 1900 men everywhere on earth had acknowledged, even when they resented, the primacy of the Western nations. They were the recognized leaders in the progress of mankind, and it was taken as axiomatic that the question was when, and not whether, the less advanced people would have learned how to use the Western technology, to hold free elections, to respect the Bill of Rights and to live by its political philosophy. Until 1917 the model for a new government anywhere in the world, even in Russia, was liberal democracy in the British, the French, or the American style.

But by the end of 1920 things had taken a sharp turn. Lord Bryce was then finishing his *Modern Democracies* and though he still wrote in the prewar manner that democracy was spreading and that the number of democracies

and moreover engaged alone if the Battle of Britain was lost

But at this time the American people were as unprepared in their minds as in their military establishment. Could the democracies be rallied could they be collected and nerved for the ordeal so that they would be equal to this mortal challenge? They had the superior assets They had the numbers the resources the influence But did they have the insight, the discipline to persevere and the resolution to go through with it? Though they had the means did they also have the will and did they still know how? A second world war was making up out of the ruins and the failures of the first and there was nothing to show that the Western democratic governments were in control of their affairs and capable of making the necessary decisions They were reacting to events and they were not governing them Could they avoid defeat and conquest without an exhaustion which would rend the fabric of Western society without enormities of suffering which would alienate the masses of the people and without resorting to measures of violence which might become inexpiable? They were so very late and they were becoming engaged in they knew not what They had refused to take in what they saw they had refused to believe what they heard they had wished and they had waited hoping against hope

It did not come easily to one who like myself had known the soft air of the world before the wars to recognize and acknowledge the sickness of the Western liberal democracies Yet as we were being drawn unready and unarmed into the second of the great wars there was no denying it seemed to me that there is a deep disorder in our society which comes not from the machinations of our enemies and from the adversities of the human condition but from within ourselves I was one of a large company who felt that way Never doubting that the utmost resistance was imperative and that defeat would be irreparable and intolerable they were a company who knew in their hearts that by total war our world could not be made safe for democracy nor for the four freedoms We were I had come to see not wounded but sick and because we were failing to bring order and peace to the world we were beset by those who believed they have been chosen to succeed us

3 Internal Revolution in the Democracies

A VIGOROUS critic of democracy Sir Henry Maine writing in 1884 just as England was about to adopt general manhood suffrage observed that there could be no grosser mistake than the impression that "Democracy differs from Monarchy in essence For "the tests of success in the performance of the necessary and natural duties of a government are precisely the same in both cases These natural and necessary duties have to do with the defense and advancement abroad of the vital interests of the state and with its order security and solvency at home Invariably these duties call for hard decisions They are hard because the governors of the state must tax, conscript, command prohibit they must assert a public interest against private inclination and against what is easy and popular If they are to do their duty they must often swim against the tides of private feeling.

The hardness of governing was little realized in the early 1900s For more than half a century while democracy was making its historic advance there had been a remarkable interlude during which the governments rarely had to make hard decisions Since Waterloo there had been no world war and after the American Civil War only a few short and localized wars It was a time of expansion development, liberation there were new continents to be colonized and there was a new industrial system to be developed It seemed as though mankind had outlived the tempests of history The governments—which were increasingly democratic liberal and humane—were spared the necessity of dealing with the hard issues of war and peace of security and solvency of constitutional order and revolution. They could be concerned with improvements with the more and more and the better and better Life was secure liberty was assured and the way was open to the pursuit of private happiness

In this long peace the liberals became habituated to the notion that in a free and progressive society it is a good thing that the government should be weak For several generations the West had flourished under governments

Sir Henry Maine *Popular Government* (1886) pp 60-61

war which brought to an end the Age of Progress had says he[*] "none of the limiting features of the warfare which had been characteristic of Newton s age Europe could now afford enormous armies could replenish and supply them again while the fighting proceeded. More money was needed to kill than ever before but the money required turned out to be small in comparison with the money that could be raised (with the help of refined ad vances in the use and manipulation of credit) and in relation to the quantity of munitions which money and credit could buy All this meant that when war broke out again the advanced nations had become as Nickerson says capabl of sacrifices so irrationally great that the bleeding victor would faint upon the corpse of his victim "[*]

The strain of the war worked up a menacing popular pressure upon the weak governments. We can I think point to 1917 as the year when the pressure became so strong that the institutional framework of the establish d governments broke under it.

The strain became unbearable 1917 was the year of the two Russian revolutions It was the year of the American involvement which brought with it the declaration of the Wilsonian principles For Italy it was the year of Caporetto For Austria Hungary it was the beginning of the end under the successor of Francis Joseph. For Germany it was the year of th July crisis and of the need of the Prussian mon archy to listen to the Reichstag and its demand for a negotiated peace For France it was the year of the mu tinies and for Britain the year of mortal peril from the submarine In eastern and central Europe tortured and in furiated masses brought down the historic states and the institutions of the old regime In west rn Europe and in North America the breakthrough took the form—if I may use the term—of a deep and pervasive infiltration. Behind the façade which was little changed the old structure of executive government with the consent of a representative assembly was dismantled—not everywhere and

*In th mil tary massacres of 1914-1915-1916 th French had lost permane tly er 900 000 men, th British bout half that number and the Germans w ll ov 800 000 the Russians had mobilized 1 000 000 men and f them t least four million are presumed to h e died another 2,500 000 had become priso ers ere missing and an dditional million ere seriously wounded. H ffman Nickerson, *Th Armed H de* (1940) pp 292 294

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not do to think poorly of the politicians and to talk with bated breath about the voters No more than the kings before them should the people be hedged with divinity Like all princes and rulers like all sovereigns they are ill served by flattery and adulation And they are betrayed by the servile hypocrisy which tells them that what is true and what is false what is right and what is wron can be determined by their votes

If I am right in what I have been saying, there has developed in this century a functional derangement of the relationship between the mass of the people and the government. The people have acquired power which they are incapable of exercising and the governments they elect have lost powers which they must recover if they are to govern. What then are the true boundaries of the people s power? The answer cannot be simple But for a rough beginning let us say that the people are able to give and to withhold their consent to being governed—their consent to what the government asks of them proposes to them, and has done in the conduct of their affairs They can elect the government They can remove it. They can approve or disapprove its performance But they cannot administer the government. They cannot themselves perform. They cannot normally initiate and propose the necessary legislation A mass cannot govern. The people as Jefferson said are not qualified to exercise themselves the Executive Department but they are qualified to name the person who shall exercise it They are not qualified to legislate with us therefore they only choose the legislators

Where mass opinion dominates the government, there is a morbid derangement of the true functions of power The derangement brings about the enfeeblement, verging on paralysis of the capacity to govern This breakdown in the constitutional order is the cause of the precipitate and catastrophic decline of Western society It may if it cannot be arrested and reversed bring about the fall of the West.

The propensity to this derangement and the vulnerability of our society to it have a long and complex history Yet the more I have brooded upon the events which I have lived through myself, the more astounding and

B I (Ford ed. V pp 103 104 189^ 1898) cited in Yves R. Simon, *Philosophy of Democratic Gov rnme t* (1951) p. 169

CHAPTER TWO

The Malady of Democratic States

1 *Public Opinion in War and Peace*

WRITING in 1913 just before the outbreak of the war and having in mind Queen Victoria and King Edward th VII Sir Harry Johnston thus described how foreign affairs were conducted in the Nineteenth Century

> In those days, a country' rel tions w th its neighbors or with distant land were dealt with almost exclusively by the head of the State—Empero King, or President —acting w th the more-o less dependent M nister-of State who was no representative of the mas es but the employe of the Mon rch Events we e prepared and sprung on a submiss ve a confident, or a stup d people. The public Press criticized, mo e often applauded, but had at most to deal with a *fait accompli* and make the best of t. Occas onally in our own land a statesman, out of office and discontent d, went round the great provincial towns agitating against the trend of British f re gn pol cy—perhaps wisely perhaps unfairly we d not yet kn w—and scored a slight success But once in office his Cab net f ll in by degrees with the v ews of the Sovere gn and the permanent officials (after the fifties of the last century these public servants were a f ctor of eve -growing importance) and, as before the fo eign policy f the Empire was sh ped by a small camarilla consisting of the So ere gn, two Cabinet Min isters, the permanent U der Secretary of State f r For eign Affairs, and perhaps one representative of *la plus haut finan*

Without taking it too literally this is a fair description of how foreign affairs were conducted before the First World War There were exceptions The Aberdeen gov

Sir Harry J hnst n, "Common Sense in Fore gn P licy pp 1 2 cited in Howard Lee M Bain & Lindsay Rogers, *The New C ns tions of Eur pe* (1922) p 139

and disbanded. The Allies were called upon to decide whether they would dictate a punitive peace or would negotiate a peace of reconciliation.

In the Thirties the British and the French governments had to decide whether to rearm and to take concerted measures to contain Hitler and Mussolini or whether to remain unarmed and to appease them. The United States had to decide whether to arm in order to contain the Japanese or to negotiate with them at the expense of China.

During the Second World War the British and the American governments had again to make the choice between total victory with unconditional surrender and negotiated settlements whose end was reconciliation.

These were momentous issues like choosing at the fork of the road a way from which there is no turning back: whether to arm or not to arm—whether as a conflict blows up to intervene or to withdraw—whether in war to fight for the unconditional surrender of the adversary or for his reconciliation. The issues are so momentous that public feeling quickly becomes incandescent to them. But they can be answered with the only words that a great mass *qua* mass can speak—with a Yes or a No.

Experience since 1917 indicates that in matters of war and peace the popular answer in the democracies is likely to be No. For everything connected with war has become dangerous, painful, disagreeable and exhausting to very nearly everyone. The rule to which there are few exceptions—the acceptance of the Marshall Plan is one of them—is that at the critical junctures when the stakes are high, the prevailing mass opinion will impose what amounts to a veto upon changing the course on which the government is at the time proceeding. Prepare for war in time of peace? No. It is bad to raise taxes, to unbalance the budget, to take men away from their schools or their jobs, to provoke the enemy. Intervene in a developing conflict? No. Avoid the risk of war. Withdraw from the area of the conflict? No. The adversary must not be appeased. Reduce your claims on the area? No. Righteousness cannot be compromised. Negotiate a compromise peace as soon as the opportunity presents itself? No. The aggressor must be punished. Remain armed to enforce the dictated settlement? No. The war is over.

The unhappy truth is that the prevailing public opinion

…who showed any tenderness for the Hun …y were against any public … country, or was inclined to listen to the Hun food snivel.

3 *The Pattern of the Mistakes*

In order to see in its true perspective what happened we must remember that at the end of the First World War the only victorious powers were the liberal democracies of the West. Lenin who had been a refugee in Switzerland until 1917 was still at the very beginning of his struggle to become the master of the empire of the Romanoffs Mussolini was an obscure journalist, and nobody had dreamed of Hitler The men who took part in the Peace Conference were men of the same standards and tradition They were the heads of duly elected governments in countries where respect for civil liberty was the rule Europe from the Atlantic to the Pripet Marshes lay within the military orbit of their forces All the undemocratic empires enemy and ally had been destroyed by defeat and revolution In 1918—unlike 1945—there had been no Yalta there was no alien foreign minister at the peace conference who held a veto on the settlement

Yet as soon as the terms of the settlement were known it was evident that peace had not been made with Germany It was not for want of power but for want of statesmanship that the liberal democracies failed They failed to restore order in that great part of the world which—outside of revolutionary Russia—was still within the orbit of their influence still amenable to their leadership still subject to their decisions still working within the same economy still living in the same international community still thinking in the same universe of discourse In this failure to make peace there was generated the cycle of wars in which the West has suffered so sudden and so spectacular a decline

Public opinion having vetoed reconciliation, had made the settlement unworkable And so when a new genera

Cf. Harold Nicolson Peacemaking Chap III

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Cf. Harold Nicholso P ac making Ch p III.

world safe for democracy This crusade would make the whole world a democracy

As a result of this impassioned nonsense public opinion became so envenomed that the people would not counte nance a workable peace th y were against any public man who showed any tenderness for the Hun, or was inclined to listen to the Hun food snivel.

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public opinion has been ins[illegible] aroused. [illegible] cumve[illegible] way t[illegible] [illegible]od sense. In the [illegible] howev[illegible] [illegible]ocratic officials—over and above their own human propensity to err—have been compelled to make the b[illegible] mistakes that public opinion has insisted upon. Even the greatest men have not been able to turn back the massive tides of opinion and of sentiment.

There is no mystery about why there is such a tendency for popular opinion to be wrong in judging war and peace. Strategic and diplomatic decisions call for a kind of knowledge—not to speak of an experience and a seasoned judgment—which cannot be had by glancing at newspapers, listening to snatches of radio comment, watching politicians perform on television, hearing occasional lectures, and reading a few books. It would not be enough to make a man competent to decide whether to amputate a leg, and it is not enough to qualify him to choose war or peace, to arm or not to arm, to intervene or to withdraw, to fight on or to negotiate.

Usually, moreover, when the decision is critical and urgent, the public will not be told the whole truth. What can be told to the great public it will not hear in the complicated and qualified concreteness that is needed for a practical decision. When distant and unfamiliar and complex things are communicated to great masses of people, the truth suffers a considerable and often a radical distortion. The complex is made over into the simple, the hypothetical into the dogmatic, and the relative into an absolute. Even when there is no deliberate distortion by censorship and propaganda, which is unlikely in time of war, the public opinion of masses cannot be counted upon to apprehend regularly and promptly the reality of things. There is an inherent tendency in opinion to feed upon rumors excited by our own wishes and fears.

4. *Democratic Politicians*

AT THE critical moments in this sad history there have been men, worth listening to, who warned the people against their mistakes. Always, too, there have been men inside the governments who judged correctly, because they were permitted to know in time the uncensored and

tion of Germans grew up they rebelled [illegible]
the Wes [illegible]
peace [illegible]
too pa [illegible]
the wa [illegible] announcing he would wage against Europe Having refused the risk of trying to prevent war they would not now prepare for the war The European democracies chose to rely on the double negative of unarmed appeasement, and the American democracy chose to rely on unarmed isolation

When the unprevented war came the fatal cycle was repeated Western Europe was defeated and occupied before the British people began seriously to wage the war And after the catastrophe in Western Europe eighteen agonizing months of indecision elapsed before the surprise and shock of Pearl Harbor did for the American people what no amount of argument and evidence and reason had been able to do

Once again it seemed impossible to wage the war *energetically except by inciting the people to paroxysms* of hatred and to utopian dreams So they were told that the Four Freedoms would be established everywhere once the incurably bad Germans and the incurably bad Japanese had been forced to surrender unconditionally The war could be popular only if the enemy was altogether evil and the Allies very nearly perfect. This mixture of envenomed hatred and furious righteousness made a public opinion which would not tolerate the calculated compromises that durable settlements demand Once again the people were drugged by the propaganda which had aroused them to fight the war and to endure its miseries Once again they would not think once again they would not allow their leaders to think about an eventual peace with their enemies or about the differences that must arise among the Allies in this coalition as in all earlier ones How well this popular diplomacy worked is attested by the fact that less than five years after the democracies had disarmed their enemies they were imploring their former enemies Germany and Japan to rearm

The record shows that the people of the democracies having become sovereign in this century have made it increasingly difficult for their governments to prepare properly for war or to make peace Their responsible officials have been like the ministers of an opinionated and willful despot Between the critical junctures when

This devitalization of the governing power is the malady of democratic states As the malady grows the executives become highly susceptible to encroachment and usurpation by elected assemblies they are pressed and harassed by the haggling of parties by the agents of organized interests, and by the spokesmen of sectarians and ideologues The malady can be fatal It can be deadly to the very survival of the state as a free society if when the great and hard issues of war and peace of security and solvency of revolution and order are up for decision the executive and judicial departments with their civil servants and technicians have lost their power to decide

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the men of the counties They are to meet, and the King will ask the Knights what aid they will grant to him. This is the basic relationship The government can act. Because it can act, it decides what action should be taken, and it proposes the measures it then asks the representatives of those who must supply the money and the men for the means to carry out its decisions The governed, through their representatives the two Knights of the Shire from each county give or withhold their consent.

From the tension and the balance of the two powers—that of the ruler and that of the ruled—there evolved the written and the unwritten contracts of the constitution. The grant of aid by the ruled must be preceded by the ruler's redress of their grievances. The government will be refused the means of governing if it does not listen to the petitions if it does not inform, if it does not consult, if it cannot win the consent of those who have been elected as the representatives of the governed.

The executive is the active power in the state the asking and the proposing power The representative assembly is the consenting power the petitioning the approving and the criticizing the accepting and the refusing power The two powers are necessary if there is to be order and freedom. But each must be true to its own nature each limiting and complementing the other The government must be able to govern and the citizens must be represented in order that they shall not be oppressed. The health of the system depends upon the relationship of the two powers If either absorbs or destroys the functions of the other power the constitution is deranged.

There is here a relationship between governors and governed which is I would contend, rooted in the nature of things At the risk of reasoning by analogy I would suggest that this duality of function within a political society has a certain resemblance to that of the two sexes In the act of reproduction each sex has an unalterable physiological function. If this function is devitalized or is confused with the function of the other sex, the result is sterility and disorder

In the final acts of the state the issues are war and peace, security and solvency order and insurrection. In these final acts the executive power cannot be exercised by the representative assembly Nor can it be exercised after the suppression of the assembly For in the derangement of the two primary functions lie the seeds of disaster

unquestionably as true judgments of the vital interests of the community

To whom for example did the Preamble of the Constitution refer when it said that We the People of the United States ordain and establish h C On September 17 1 d c ion"? c d the t for s s had ratified it u ll and when c VII of th ir of the United States would have ordained and establish them for those nine states The People the Constitution. In this context a majority of the delegates elected to nine state conventions were deemed to be entitled to act as The People of the United States

The inhabitants of the United States who were qualified to vote for these delegates were not a large number They included no slaves no women and except in New York, only such adult males as could pass property and other highly restrictive tests We do not have accurate figures But according to the census of 1790 the population was 3 929 782 Of these 3,200 000 were free persons and the adult males among them who were entitled to vote are estimated to have been less than 500 000 Using the Massachusetts figures as a statistical sample it may be assumed that less than 160 000 actually voted for delegates to all the ratifying conventions and of those voting perhaps 100 000 favored the adoption of the Constitution

The exact figures do not matter The point is that the voters were not—and we may add that they have never been and can never be—more than a fraction of the total population They were less than 5 per cent when the Constitution was ordained. They were not yet 40 per cent in 1952 when except under the special conditions in the South, we had universal adult suffrage Manifestly

These figures are from a memorand m prepared for m by my friend, Prof. Allan N ns. In his covering lette January 24 1952, h ys

Anyon wh writes about lection figures in our early national h tory tread upo ery unsaf ground Trustworthy data—the statistics and th gener l inf rm t n—are too scanty f any explicit statem t f d tailed conclusions for th cou try as a wh le A yo wil see, I ha f d figures f arious st tes and local ties, but we ha e no w rrant for ge ralizing them to apply to the country is entirely What w say th b lut ertainty *I think is hat I th arly lectio s the t was under 5 per t f th wh l po ulation.*

years they had changed greatly and in a hundred years entirely

The people then is not only as Bentham assumed, the aggregate of living persons Th people is also the stream of individuals the connected generations of chan ing per sons that Burke was talking about when he invoked the partnership "not only between those who are living but also with "those who are dead and those who are to be born *The People* are a corporation an entity that is to say which lives on while individuals come into it and go out of it.

For this reason Bentham cannot have been right when he said that the interests of the community are no more than the sum of the interests of the several members who happen to compose it at any particular instant of time He cannot have been right when he said that the happiness of the individuals of whom a community is composed that is their pleasures and their security is the end and the sole end which the legislator ought to have in view

For besides the happin ss and the security of the in dividuals of whom a community is at any moment com posed, there are also the happiness and the security of the individuals of whom generation after generation it will be composed. If we think of it in terms of individual persons the corporate body of *The People* is for the most part in visible and inaudible Indeed as a whole it is nonexistent, in that so many are dead and so many are not yet born Yet this corporate being, though so insubstantial to our senses binds in Burke s words a man to his country with ties which thou h li ht as air are as stron as links of iron " That is why young men die in battle for their country s sake and why old men plant trees they will never sit under

This invisible inaudible and so largely nonexistent community gives rational meanin to the necessary objectives of government. If we deny it, identifyin the people with the prevailing pluralities who vote in order to serve as Bentham has it, "their pleasures and their secu rity where and what is th nation and whose duty and business is t to defend the public interest? Bentham leaves us with the stat as an arena in which factions con tend for their immediate advantage in the struggle for

Ibid Ch. III Sec. I.

Edmund Burk s speech on *C nciliatio with America* (1775)

once at the beginnin of the imperial power would have to happen again whenever the throne was vacant As the imperium escheats or reverts to the people and th people had then to choose a new emperor th.y might even "translate the empire from one nation to nother in this instance from the Greeks to the Germans Need less to say "th people who were presumed to have this power had neither votes nor any other means of making their will known It was presumed that they wished to have their power exercis d for them In the coronation of Charlemagne the Pope did thus he 'merely declared and exercised the people's will.

All this seems long ago and far away But if we reject virtual representation the question remains if the Pope or the king or th parliament of magnates cannot represent *The People* how do a plurality of voters truly declare and exercise *The People s* will? It sounds incongruous to modern ears that th Pope should represent th people But is it so congruous that the people should be represented by a count of the votes of some persons? The conundrum springs from the fact that while *The People* as a corporate body are the true owners of the sovereign power The People as an aggregate of voters have di verse conflicting self-centered interests and opinions A plural ty of them cannot be counted upon to repres nt the corporate nation

The distinction upon which I am dwelling does not, as one might suppose cease to matter when th voters become enormously many Cannot a multitude of voters be regarded as the practical equivalent of all the people? They cannot be To multiply the voters makes it no more probable that a plurality of them will truly represent the public interest. Our experience with mass elections in the twentieth century compels us, I think, to the contrary conclusion that public opinion becomes less realistic as the mass to whom information must be conveyed, and argument must be addressed grows larger and more heterogeneous

All this will seem less odd if we remind ourselves that pol tical democracy as we know it in this century is a very recent political phenomenon The moral presumption in favor of universal suffrage may perhaps be said to have been laid down by the American and the French Revolutions at the end of the eighteenth century But (until the end of the nineteenth century) the actual ad

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CHAPTER FOUR

The Public Interest

1 What Is the Public Interest?

WE ARE examining the question of how and by whom the interest of an invisible community over a long span of time is represented in the practical work of governing a modern state.

In ordinary circumstances voters cannot be expected to transcend their particular localized and self regarding opinions. As well expect men laboring in the valley to see the land as from a mountain top. In their circumstances, which as private persons they cannot readily surmount, the voters are most likely to suppose that whatever seems obviously good to them must be good for the country and good in the sight of God.

I am far from implying that the voters are not entitled to the representation of their particular opinions and interests. But their opinions and particular opinions and interests should be taken for what they are and for no more. They are not—as such—propositions in the public interest. Beyond their being, if they are genuine, a true report of what various groups of voters are thinking, they have no intrinsic authority. The Gallup polls are reports of what people are thinking. But that a plurality of the people sampled in the poll think one way has no bearing upon whether it is sound public policy. For their opportunities of judging great issues are in the very nature of things limited, and the statistical sum of their opinions is not the final verdict on an issue. It is rather the beginning of the argument. In that argument their opinions need to be confronted by the views of the executive defending and promoting the public interest. In the accommodation reached between the two views lies practical public policy.

Let us ask ourselves: How is the public interest discerned and judged? From what we have been saying we know that we cannot answer the question by attempting to forecast what the invisible community with all its unborn constituents will would or might say if and when it

ways balanced. The true nature of the reckoning would be clearer if instead of talking about an unbalanced budget, we spoke of a budget balanced not by taxes but by borrowing of a budget balanced by inflation or of a budget balanced by subsidy. A government which cannot raise enough money by taxes, loans, foreign grants or by getting its fiat money accepted, will be unable to meet its bills and to pay the salaries of its employees. In bankruptcy an involuntary balance is struck for the bankrupt. He is forced to balance his accounts by reducing his expenditures to the level of his income.

Within limits which public men have to bear in mind, the choices as to where to balance the budget are open. In making these choices new equations confront them. Granted that it is possible to bring the budget into balance by raising taxes, how far can taxes be raised? Somewhat but not ad infinitum. There are no fixed criteria. But though we are unable to express all the equations quantitatively this does not relieve us of the necessity of balancing the equations. There will be a reckoning. Practical judgment requires an informed guess what will the taxpayers accept readily, what will they accept with grumbling but with no worse, what will arouse them to resistance and to evasion? How will the taxpayers react to the different levels of taxes if it is a time of peace, a time of war, a time of cold war, a time of social and economic disturbance and so on? Although the various propositions cannot be reduced to precise figures, prudent men make estimates as to where the equations balance.

Their decisions as to where to balance the accounts must reflect other judgments—as to what, for example, are the military requirements in relation to foreign affairs, what is the phase of the business cycle in relation to the needs for increased or decreased demand, what is the condition of the international monetary accounts, which are the necessary public works and welfare measures, and which are those that are desirable but not indispensable. Each of these judgments is itself the peak of a pyramid of equations, whether for example to enlarge or to reduce the national commitments at this or that point in the world—given the effect of the decision at other points in the world.

We may say then that public policy is made in a field of equations. The issues are the choices as to where the balance is to be struck. In the reality of things X will ex

CHAPTER FIVE

The Two Functions

1 The Elected Executive

OUR INQUIRY has shown I believe that we cannot take popular government for granted, as if its principles were settled and beyond discussion We are compelled to agree with Sir Henry Maine who wrote some seventy years ago that "th actual history of popular government since it was introduced in its modern shape into the civilized world, does little to support the assumption that popular government has an indefinitely long future before it. Experience rather tends to show that it is characterized by great fragility and that since its appearance all forms of government have become more insecure than they were before

We have been dwelling upon the devitalization of the executive power as the cause of the fragility that Maine speaks of It is I have been sayin the disorder which results from a functional derangement in the relationship between the executive power on th one hand, th representative assemblies and the mass electorates on the other hand.

Democratic states are susceptible to this deran ement because congenitally the executive when dependent on election is weaker than the elected representatives Th normal drainage of power in a democratic state is away from the governing center and down into the constituencies And the normal tendency of elections is to reduce elected officers to the role of agents or organized pluralities Mod

Sir Henry Mai P p l Governme t (1886) p 20
Y es R. Simon Ph l sophy l D mocr ic Go rnm t p 136 quotes Jefferson N Virg a (M mori l ed., Washington, 1903) Vol. II, pp 16 163 (th writer is survey g what he terms th p tal d fects f th constitution) All the powers of government, l gislative, xecut e, and j diciary res lt t th legislative body Th concentrati g these in th same h nds is precisely the d.fi ition of despotic government. It will be n alleviati n that these powers ill be xercised by a plural ty f hand and t by single one. One hundred and se enty three despots would surely

The Protection of the Executi e

DURING the ninet en h century good d mocrats we e primarily concerned with insuring repr sentation in th assemblies and with extendin the control of the assemblies over the executive power It is true that the problem of the inadequate executive overridden and dominated by the assembly was very much in the minds of the Founding Fathers at th Philadelphia convention and it has been a continuing concern of the critics and opponents of d mocracy But until th twentieth century the problem was not sharply and urgently posed That there was such a problem was well known But it was not the immediate probl m

For some generations befo e 1914 the West enjoyed fine political weather Moreover the full force of the comin enfranchisement, emancipation and secularization of the whole population had not yet worked its consequences Governments still had authority and power which were independent of the a semblies and the electorates They still drew upon the traditional sources of authority—upon prescription hereditary prerogative and consecr tion

Yet the need to protect the executive and judicial powers from the representative assemblies and from mass opinion has long been und rstood Many exped ents have been devised to soften, to neutralize to check and to balance the pressure of parties factions lobbies s ets The expedients have taken, says Bryce two general forms the one being to put const tutional restrictions upon the assembly and the other by a division of the whole power of th people to weaken it. This has been don by electing the legislature and the executive separately or by having the legislative bodies elected by the differing constituencies and at different times

The constitutional mechanisms have never themselves been sufficient to protect the executive And much intention and reforming energy have been applied to findin

B t cf Woodrow Wilson, *C g st nal Gov rnm nt* Ch. 5 Hamilton, J y Madison, *Th F d list* (Modern Library) N 48 pp 32, 3 6 N 49 pp. 330-33 N 71 pp 464-466.

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ca'ed the mult tud of th disciples to them and s..d Look ye out amon you seven men of honest report, full of th Holy Ghost and wisdom whom we may appoint over this business When these men had be n chosen and had prayed the apostles laid their hands upon them. Havir been ordained, they were not the servants of the multitude who h d elected them but of God.

This princip applied to the election of Popes As Suarez says, The Pope is elected by cardinals yet he re ceive his powers from God immediately The same princip appli d to elected kings After the electors had chosen the king, he was crowned and anointed. Then his duty was to his own vows and not to the electors. The act of el ction did not bind th ruler to the electors Both p..r ties to th transaction were bound only to the office the electors to designate a kin worthy of the office the kin to fill the office worthily

If we look closely at the matter we find I believe this must be the princip e of election when the electors are choosin not someone to repres nt them to the govern ment, but the governors themselves Though it is not too well recognized there is a radical difference between the election of an executive and the election of a representa tive For while the executive is in honor bound not to cons der himself as th agent of his electors the repre sentative is expected to be within the limits of reason and the general public in rest, their agent

This d stinction has deep roots in the political exp ri ence of Western society and though unrecognized in pri ciple it is implicit in our moral judgments Everyone who has a case in court is entitled we believe to be rep resented by a lawyer who within the law and the code of professional practice is expected to be the partisan and advocate of his cl ent But this presupposes not only that his opponent will be effectively represented too but that th case will go to a court where th jud e is bound by his judicial oaths. The judge is not an advo cate ..nd has no cli nts The same ethical standards are recognized though they are applied l ss ri orously in the executive branch of th government. No President or head of a department could afford to admit that he was using his office to fur ther the interests of a client or of a pressure group or

Y es R. Simo p ct p 174
Hamilt J y M dison p ct No 10 pp 55 6

threatening the security, the solvency and the liberties of the state.

In the traditions of Western society, civilized government is founded on the assumption that the two powers exercising the two functions will be in balance—that they will check, restrain, compensate, complement, inform and vitalize each one the other.

In this century the balance of the two powers has been seriously upset. Two great streams of evolution have converged upon the modern democracies to devitalize, to enfeeble and to eviscerate the executive powers. One is the enormous expansion of public expenditure, chiefly for war and reconstruction; this has augmented the power of the assemblies which vote the appropriations on which the executive depends. The other development which has acted to enfeeble the executive power is the growing incapacity of the large majority of the democratic peoples to believe in intangible realities. This has stripped the government of that imponderable authority which is derived from tradition, immemorial usage, consecration, veneration, prescription, prestige, heredity, hierarchy.

At the beginning of our constitutional development the King, when he had mastered the great barons, was the proprietor of the greatest wealth in the realm. The crown was also the point from which radiated the imponderable powers to bind and to command. As the King needed money and men for his wars, he summoned representatives of the counties and the boroughs who had the money and the men he needed. But the imponderable powers, together with very considerable power in land and in men, were still in the King's own hands. Gradually over the centuries the power of the Parliament over the supplies of the government grew larger. They had to appropriate a larger proportion of a much greater total. At the same time, in the white light of the enlightenment and the secularization of men's minds, the imponderable powers of the crown diminished.

Under the stress and the strain of the great wars of the twentieth century the executive power has become elaborately dependent upon the assemblies for its enormous expenditures of men and of money. The executive has at the same time been deprived of very nearly all of his imponderable power: fearing the action of the representative assembly, he is under great temptation to outwit it or bypass it, as did Franklin D. Roosevelt in the period of

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CHAPTER SIX

The Totalitarian Counterrevolution

1 *Certain of Its Lessons*

WE CAN learn somethin about the kind of incapacity which has brought on disaster for the modern democracies by the nature of the counterrevolutions that have under m ned and overthrown so many of them There are various types of counterrevolutions The most notable are the Soviet Communist, Italian Fascist, German National Socialist, Spanish Falangist, Portuguese Corporatist, the Titoist, and Peronist. Besides these organized counter revolutionary movements professing doctrines of an antiliberal and undemocratic character there is, in large areas of the world, a very strong tendency to nullify the democratic system behind the façade of democratic institutions The countries where elections are free and genuine where civil liberty is secure are still powerful. But they embrace a shrinking minority of mankind.

Now in all these counterrevolutionary movements there are two common characteristics One is the separation of the governing power from the large electorate In the totalitarian states this is done by not holding free elections in the great number of nontotalitarian but also nondemocratic states it is done by controlling and rigging the elections

The other common characteristic of the counterrevolutions is that political power which is taken away from the electorate the parties and the party bosses is then passed to an elite corps marked off from the mass of the people by special trainin and by special vows The totalitarian revolutions generally liquidate the elite of the old regime and then recruit their own elite of specially trained and specially dedicated and highly disciplined men Elsewhere when the liberal democratic system fails the new rulers are drawn from the older established elites—from the army officers from the clergy the higher bureaucracy and the diplomatic corps from university professors.

they will be governed without bein represented there is no doubt at all as to how the issue will be decided They will choose authority which promises to be pater nal in preference to freedom which threatens to be fratricidal For large communities cannot do without being governed No ideal of freedom and of democracy will long be allowed to stand in the way of their being governed

The plight of the modern democracies is serious They have suffered great disasters in this century and the consequences of these disasters are compounding themselves The end is not yet clear The world that is safe for democracy and is safely democratic is shrunken It is still shrinking For the disorder which has been incapacitating the democracies in this century is if anything, becoming more virulent as time goes on

A continuin practical failure to govern will lead—no one can say in what form and under what banners—to counterrevolutionary measures for the establishment of strong government The alternative is to withstand and to reverse the descent towards counterrevolution. It is a much harder way It demands popular assent to radical measures which will restore government strong enough to govern strong enough to resist the encroachment of the assemblies and of mass opinions and strong enough to guarantee private liberty against the pressure of the masses

It would be foolish to attempt to predict whether the crisis of the democratic state will be resolved by such an internal restoration and revival or by counterrevolution. No doubt the dan er of counterrevolution is greater in countries where the margins of life are thinner No doubt the prospects of a restoration and revival are best in countries where the tradit ons of civility as the public philosophy of Western society have deep roots and a long history

which was just in the way of accommodating itself to a newly enfranchised mass of voters and the French *noblesse* of the *Ancien Rég me*

He went on to reflect that

> from an early time a fundamental difference existed between the behavior of the governing classes in Eng land and in France The nobility the cornerstone of med eval society revealed in England a peculiar ability to merge and mix with other social groups while in France t tended on the contrary to close its ranks and preserve its original purity of birth.
>
> In the earli r M ddle Ages all Western Europe had a similar social system But some time in the Middle Ages one cannot say exactly when a change pregnant with tremendous consequences occurred in the British Isles and in the British Isles only—the English nobility devel oped into n open aristocr cy while the continental *n bl* stubbornly remained within the rigid limits of a caste

This observes de Tocqueville is the most revolutionary fact in English history and he claims to have been the first to observe its importance and to grasp its full signifi cance It is truly a deep and illuminating observation on the conditions which are favorable to a healthy and progressive evolution of democracy and on the conditions which make it morbid and degenerative The crucial dif ference is between what we mi ht call enfranchisement by assimilation into the governing class as exemplified in England and *per contra* enfranchisement by the over throw and displacing of the governing class as exempli fied in France In the one the government remains but becomes more responsible and more responsive in the other the government is overthrown with the liquidation of the governing class

Although the two ways of evolution appear to have the same object—a society with free institutions under popu-

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ica and Franc wh ch are carefully stated in special books written t gre t length and in l borat form, his d as about England are mor imp es io istic nature scattered as th y re in no particular order among volumes f corre po dence som times ppearing in bunch in th *J rnal d V oy g* sometimes as sudd as des in th b g syst matic works, mphasizing and defining a certain trend of thought by w y f comparison and opposition.

who were not like those he saw living at the Court of Versailles exclusive and incompetent, corrupt, unteach able and unconcerned.

"Wo ld you know the story in brief of almost all our wretched ess? asked D d ot Here it is. There existed th natural man and into this man was introduced an artificial man, whereupon a ci il war arose within him lasting through life If you propose to become a tyrant o er him do your best to poison him with a theory of morals against n tu e impose every kind of fett r on him emb rrass his m ements with a thousand obstacles place phantoms around him to frighten him Would you see him happy and f ee? Do not meddle with hi affairs. I appeal to every civil religious and pol tical institution exam e thes closely and, f I am not mistaken you will find the human species, century after century ubject to a yoke which a mere handful of knaves chose to impose on it. Be wary of him who seeks to establish ord to rd r is to obtain the mastery of others by giving them trouble.

If we compare the mood of this passage with that of the Declaration of Independence the work of the other brand of revolutionists we must be struck by the nihilism of Diderot Diderot had been exasperated to a blind destructive despair by the rigidity of the French governing caste He could not feel that there was anything to be done with any government, judging by the one he suffered under except to abolish it.

Jefferson and his colleagues on the other hand, were interested in government They were in rebellion because they were being denied the rights of representation and of participation which they like other subjects of the same King would have enjoyed had they lived in England The Americans we e in rebellion against the "usurpations of George III not against authority as such but against the abuse of authority The American revolutionists had in fact participated in the colonial governments They intended to play leading parts as indeed they did in the new govern ment. Far from wishing to overthrow the authority of government, or to deny and subvert, as Diderot did the moral foundations of authority they went into rebellion

Ibid pp 2 0-21

human society Again and again it has been proved how effective is this formula for arousing sustaining and organizing men's energies for revolution to declare that evil in society has been imposed upon the many by the few—by priests nobles capitalists imperialists liberals, aliens—and that evil will disappear when the many who are pure have removed these few who are evil.

The summons to revolution in the *Communist Manifesto* of 1848 uses the same formula as the Jacobins had used a half century earlier Marx and Engels were men steeped in the Western revolutionary tradition, and habituated therefore to the notion that the act of revolution removes the source of evil and creates the perfect society The French Revolution had not made this perfect society For by 1848 there were the capitalist oppressors Marx and Engels called for the next revolutionary act, announcing that now the Third Estate the bourgeois capitalists needed to go the way of the liquidated nobles and clergy

This is the formula that when the revolution of the masses is victorious over the few there will exist the classless society without coercion and violence and with freedom for all This formula reappears whenever conditions are revolutionary—that is to say when necessary reforms are bein refused The formula is the strategy of rebellion of those who are unable to obtain the redress of grievances The rulers are to be attacked So they are isolated. They are few So they are not invincible They bear the total guilt of all the sufferings and grievances of men To remove them is then to cure all evil Therefore their overthrow which is feasible will be worth every sacrifice Since the world will be good when the evil few have been overthrown there is no need for the doubts and the disputes which would arise among the revolutionists if they had to make serious practical decisions on the problems of the post revolutionary world

You are summoned said Barrère to the National Assembly to give history a fresh start. This was to be done by stripping off as Taine puts it the garments of the artificial man all those fictitious qualities which make him ecclesiastic or layman noble or plebeian sovereign or subject proprietor or proletarian ignorant or cultivated The established authorities who have made man wear these garments to their selfish and sinister ends must go The

Ibid p 3

first in order to gain admittance into and then to take possession of the organs of government

When they declared that a prince (George III) whose character is thus marked by every act which may define a tyrant is unfit to be the ruler of a free people they were not saying that there was *no one* who was fit to be the ruler of a free people They were imbued with the English idea that the governing class must learn to share its special prerogatives by admitting new members Th Americ n R

t

s after they had overthrown the government of the King They were not nihilists to whom the revolutionary act of overthrowing the sovereign is the climax and consummation of everything

2 *The Paradigm of Revolution*

Of the two rival philosophies the Jacobin is almost everywhere in the ascendant It is a ready philosophy for men who previously excluded from the

reaction as de Tocqueville s observation explains to government by a caste When there is no opening for the gradualness of reform and for enfranchisement by assimilation a revolutionary collision is most likely

The Jacobin doctrine is addressed to the revolutionary collision between the inviolable governing caste and the excluded men claiming the redress of their grievances and their place in the sun Though it professes to be a political philosophy the doctrine is not in fact a philosophy of government It is a gospel and also a strategy for revolution It announces the promise that the crusade which is to overthrow the ruling caste will by the act of revolution create a good society

The peculiar essence of the dogma is that the revolution itself is the creative act Towards the revolution as such because it is the culmination and the climax all the labor and the sacrifice of the struggle are to be directed The revolutionary act will remove the causes of ev

"be led of the spirit and would not be under the law But in the Jacobin gospel this transformation was to be achieved by the revolutionary act of emancipation from authority The religious end was to be reached, but without undergoing the religious experience There was to be no dark night of the soul for each person in the labor of his own regeneration Instead there were to be riots and strikes and votes and seizure of political power Instead of the inner struggle of the individual soul, there was to be one great public massive collective redemption.

3 *Democratic Education*

WE LIVE long enough after the new gospel was proclaimed to have seen what came of it. The post revolutionary man, enfranchised and emancipated has not turned out to be the New Man He is the old Adam Yet the future of democratic society has been staked on the promises and the predictions of the Jacobin gospel.

For the Jacobin doctrine has pervaded the theory of mass education in the newly enfranchised mass democracies In America and in most of the newer liberal democracies of the Western world, the Jacobin heresy is though not unchallen ed and not universal, the popular and dominant theory in the schools

Its popularity is easily accounted for It promises to sol e the problem which is otherwise so nearly insoluble —how to educate rapidly and sufficiently the ever-expanding masses who are losing contact with the traditions of Western society The explosive increase of the population in the past hundred and fifty years its recent enfranchisement durin the past fifty years the dissolution or at least the radical weakening, of the bonds of the family the churches and of the local community have combined to make the demand upon the schools almost impossibly bi_

Not only do the schools have to teach the arts and sciences to a mult plying mass of pupils They have also to act in the place of the family the household economy the church, and the settled community and to be the bearers of the trad tions and the disciplines of a civilized life What the school system could do has never been any where nearly equal to the demands upon it The modern democracies have never been willing to pay the price of recruiting and training enough teachers, of supporting

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consciously but precisely and surely will what is best for themselves from infancy on then there is in the very nature of things a guarantee that popular government must succeed

The best government will be the one which governs the least and requires therefore the least training and experience in the art of governing. The best education for democracy will be the one which trains disciplines and teaches the least. For the necessary faculties are inborn and they are more likely to be perverted by too much culture than to wither for the lack of it. There is moreover no body of public knowledge and no public philosophy that the schools are called upon to transmit. There are therefore no inconvenient questions of faith and morals questions on which there is no prospect of agreement by popular decision The curriculum can be emptied of all the studies and the disciplines which relate to faith and to morals And so while education can do something to enable the individual to make a success of his own career the instinctive rightness and righteousness of the people can be relied upon for everything else

This is a convenient and agreeably plausible escape from reality Pestalozzi described it by saying that

> Sound Education stands before me symboliz d by a tree planted near fertilizing water A little seed wh ch contains the des gn of the tree its forms and proport on, is placed in the soil See how it germinates and expands into trunk, branches lea es fl wers and fruit! The whole tr e is an uninterrupt d hain of o ganic parts the plan of wh ch existed n its seed and root Man is similar to the tr e In the newborn child are hidden those f culties wh ch ar to unfold during life u

The metaphor reveals very neatly how the Jacobin theory inhibits education In no way that is relevant to the problems of politics and education is a man similar as Pestalozzi says he is to a tree which is planted near fertilizing water For the tree will never no matter how fertilizing the wate near which it is planted grow up and take to writing treatises as Pestalozzi d d on the education of trees and how to raise the best trees from all the l ttle saplings The tree will never worry about whether its little saplings are going to be planted near the most

u *Ency l pedia f R l gion nd E hics* V l. V p 166

If it is the role of reason merely to be an instrument of each man's career, then the mission of the schools is to turn out efficient careerists. They must teach the know-how of success and this—seasoned with the social amenities and some civic and patriotic exhortation—is the subject matter of education. The student elects those subjects which will presumably equip him for success in his career. The rest are superfluous. There is no such thing as a general order of knowledge and a public philosophy which he needs to possess.

4 *From Jacobinism to Leninism*

TOWARDS the middle of the nineteenth century Karl Marx and Friedrich Engels produced an explanation of why the first revolution had not fulfilled the promises of the Jacobins. It was that "Modern bourgeois society rising out of the ruins of feudal society did not make an end of class antagonisms. It merely set up new classes in place of the old."

As Marx and Engels were scholars and men of the world, they should not have been surprised to find that "the history of all human society past and present has been the history of class struggles." And had they not become possessed by the Jacobin dogma, they would have thought it most probable that there would be class struggles in the future. But in the Jacobin philosophy the world as it is must be transformed, the day is soon to come when history reaching its culmination will end and there will be no more struggles. So Marx and Engels decided that one more, though this time the conclusive and the final revolution was called for in order to achieve the classless society. "The proletariat ... is compelled to organize itself as a class ... and by means of a revolution it makes itself the ruling class and as such sweeps away by force the old conditions of production. ... Then it will along with these conditions have swept away the conditions for the existence of class antagonisms and of classes generally and will thereby have abolished its own supremacy as a class."

The revolution which is behind us has failed. But the revolution which is still to come will put in place of the old bourgeois society with its classes and class antagonisms

act, he replaced it with the terrible doctrine that utopia must be brought about by an indefinitely prolonged process of unlimited revolution which would exterminate all opposition, actual and potential.

The totalitarian tendency has always been present and logically implied in the modern revolutionary movement. Yet Mr Isaiah Berlin is no doubt right in saying that while Lenin s solution of the crisis within the revolutionary movement 'marked the culmination of a process this was an event which altered the history of our world.

In 1903 at the conference of the Russian Social Democratic Party which began in Brussels and ended in London Lenin was asked by a delegate named Posadovsky whether the emphasis laid by the hard Socialists upon the need for the exercise of absolute authority by the revolutionary nucleus of the Party might not prove incompatible with those fundamental liberties to whose realization Socialism no less than liberalism was officially dedicated Posadovsky asked whether the basic minimum civil liberties— the sacrosanctity of the person —could be infringed and even violated if the party leader so decided

The answer was given by Plekhanov one of the founders of Russian Marxism and, says Mr Berlin its most venerated figure a cultivated, fastidious and morally sensitive scholar of wide outlook who had lived in Western Europe and was much respected by the leaders of Western Socialism Plekhanov was the very symbol of civilized sc entific thinking among Russian revolut onaries Plekhanov speaking solemnly and with a splend d disregard for gramma pronounced the words *salus e olut a sup ema lex* Certainly if the revolution demanded it, everything—democracy liberty the rights of the individual—must be sacrificed to it. If the democratic assembly elected by the Russian people after the revolution proved amenable to Marxist tactics it would be kept in being as a Long Parliament if not, it would be disbanded as quickly as possible A Marxist revolution could not be carried through by men obsessed by scrupulous regard for the principles of bourgeois liberals Doubtless

Cf Eri Voeg l *Th New S* *f P l ic* part cul ly Ch. IV seq also J L. Talmon, *Th R se f T* *ia D mocr cy*

Isa ah Berl P lni l Id th Tw t th Century" (*F eig Aff irs* April 1950, V l. XXVIII, No 3 pp 364-366)

5 The O-erpassing of the Bound

THIS is the root of the matter and it is here that the ultimate issue lies Can men acting like gods be appointed to establish heaven on earth? If we believe that they can be then the rest follows To fulfill their mission they must assume a godlike omnipotence They must be jealous gods, monopolizing power d-stroying all rivals compelling exclusive loyalty The family the churches the schools the corporations the labor unions and co-operative societies the voluntary associations and all the arts and sciences must be their servants Dissent and deviation are treason and quietism is sacrilege

But the monopoly of all power will not be enough. There remains the old Adam Unless they can remake the fallen nature of a man, the self-elected gods cannot make a heaven of the earth. In the Jacobin gospel of the eighteenth century and even in the Marxist gospel of the nineteenth century the new man would be there when the artificial garments were removed—when once he was emancipated by the revolutionary act from the deformation imposed upon him by the clergy the nobility and the bourgeoisie A hundred years later the new man was nowhere in sight So the early and softer gospel gave way to a later and infinitely harder one The new man and the new heaven on earth demanded the remaking of pre-Leninist and pre Hitlerian man The decrees of history as revealed to Marx, and the decrees of nature as revealed to Hitler had to be carried out

But in order to do that, the human species had first to be transformed—or failing that, exterminated. Destiny called upon the mortal god to make surviving mankind an active unfailing carrier as Hannah Arendt says of a law to which human beings would otherwise only passively and reluctantly be subject.

In the eyes of its devotees this is not an inhuman and satanic doctrine It is above and beyond humanity It is for the superman that its gospel announces The ruthlessness the a b trariness the cruelty are not monstrous

[13] H h Are dt *Ideol gy and Terror A Nov l F m f Gov ernm* F m th *R ew f P l* (p blished at th Univ rs ty f Notre Dam July 1953) V l XV N 3

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and uncivilized selves Men have been barbarians much longer than they have been civilized They are only precariously civilized, and within us there is the propensity persistent as the force of gravity to revert under stress and strain, under neglect or temptation, to our first natures

Rousseau and the Jacobins Marx and the nineteenth century socialists did not introduce new impulses and passions into men. They exploited and aggravated impulses and passions that are always there In the traditions of civility man's second and more rational nature must master his first and more elemental

The Jacobins and their successors made a political religion founded upon the reversal of civility Instead of ruling the elemental impulses they stimulated and armed them. Instead of treating the pretension to being a god as the mortal sin original they proclaimed it to be the glory and destiny of man. Upon this gospel they founded a popular religion of the rise of the masses to power Lenin Hitler and Stalin, the hard totalitarian Jacobins of the twentieth century carried this movement and the logical implications of its gospel further and further towards the very bitter end.

And what is that bitter end? It is an everlasting war with the human condition war with the finitude of man and with the moral ends of finite men and therefore war against freedom against justice against the laws and against the order of the good society—as they are conserved in the traditions of civility as they are articulated in the public philosophy

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The chemistry of our bodies is never mistaken. The reaction of one chemical element to another chemical element is always correct, is never misled by misinformation, by untruth, and by illusion. The doctor can be mistaken about the chemistry of his patient, having failed to detect a substance which falsifies his diagnosis. But it is only the doctor who can be wrong; the chemical process cannot be.

Why do men make mistakes? Because an important part of human behavior is reaction to the pictures in their heads. Human behavior takes place in relation to a pseudo-environment—a representation, which is not quite the same for any two individuals, of what they suppose to be—not what is—the reality of things. This man-made, this cultural environment, which has its being in the minds of men, is interposed between man as a biological organism and the external reality. It is in this realm that ideas are efficacious. They are efficacious because men react to their ideas and images, to their pictures and notions of the world, treating these pictures as if they were the reality.

The airy nothings in the realm of essence are efficacious in the existential world when a man, believing it to be true or good, treats the idea as if it were the reality. In this way faith in an idea can quite literally remove a mountain. To be sure no man's idea can remove a mountain on the moon. But if the American people took it into their heads that life would not be worth living until Pike's Peak was in the suburbs of Chicago, they could move Pike's Peak. They could do it if they and their descendants were sufficiently devoted to the idea for a long enough time.

Nothing would happen to Pike's Peak if the idea of removing it were merely proclaimed and celebrated. The idea would have to become like the idea of winning a war the object and the focus of the nation's energies. Then the idea would operate in the minds of men who voted, who planned, who would engineer the undertaking, who would raise the money, would recruit the labor, would procure the equipment, and—shall we say—would suppress the mounting resistance of the objectors to the project.

Because ideas have the power to organize human be-

[1]Op. cit., Chapters I–X.

BOOK TWO

The Public Philosophy

CHAPTER EIGHT

The Eclipse of the Public Philosophy

1 *On the Efficacy of Ideas*

THERE are those who would say using the words of philosophers to prove it that it is the characteristic illusion of the tender minded that they believe in philosophy Those who can do those who cannot teach and theorize And being theorists by profession they exaggerate the efficacy of ideas which are mere airy nothings without mass or energy the mere shadows of the existential world of substance and of force of habits and desires of machines and armies

Yet the illusion if it were one is inordinately tenacious It is impossible to remove it from the common sense in which we live and have our being In the familiar daylight world we cannot act as if ideas had no consequences The whole vast labor and passion of public life would be nonsense if we did not believe that it makes a difference what is done by parties newspapers books broadcasts schools and churches All their effort would be irrelevant indeed nonsense like an argument about what Nebuchadnezzar should be served for tomorrow morning s breakfast

The most thoroughgoing skeptic is unable in practice to make a clean sweep—to say that since ideas have no consequences there is no such thing as a good idea or a bad one a true idea or a false one For there is no escaping the indubitable fact of experience that we are often

mistaken, and that it makes a difference to have been wrong.

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no Englishmen, and that when Homer was alive there were no Romans? Quite certainly men have acquired the ways of thinking feeling and acting which we recognize as their ethnic, national, class and occupational characteristics Comparatively speaking these characteristics are more over recently acquired. Even within the brief span of historical time characters have been acquired and have been lost and have been replaced by other characters This is what gives to man s history despite his common hu manity its infinite variety

Because human nature is as Hocking puts it, "the most plastic part of the living world, the most adaptable the most educable it is also the most mal adaptable and mis-educable The cultural heritage which contains the whole structure and fabric of the good life is acquired It may be rejected. It may be acquired badly It may not be acquired at all. For we are not born with it. If it is not transmitted from one generation to the next it may be ost, indeed forgotten through a dark age until somewhere nd somehow men rediscover it and exploring the world again, recreate it anew

The acquired culture is not transmitted in our genes and so the issue is always in doubt. The good life in the good society though attainable is never attained and pos sessed once and for all So what has been attained will again be lost if the wisdom of the good life in a good society is not transmitted.

That is the central and critical condition of the Western society that the democracies are ceasing to rece ve the traditions of civility in which the good society the liberal democratic way of life at its best originated and devel oped. They are cut off from the public philosophy and the political arts which are needed to govern the liberal demo cratic society They have not been init ated into its secrets and they do not greatly care for as much of it as they are prepared to understand

In Toynbee s terr ble phrase they are proletarians who re in but are not of the society they dominate

* William Hock g H man N tur d I Remak g 19 3) P

which was first worked out by the Stoics. As Ernest Barker says:

> The rational faculty of man was conceived as producing a common conception of law and order which possessed a universal validity. ... This common conception included, as its three great notes, the three values of Liberty, Equality and the brotherhood or Fraternity of all mankind. This common conception, and its three great notes, have formed a European set of ideas for over two thousand years. It was a set of ideas which lived and moved in the Middle Ages; and St. Thomas Aquinas cherished the idea of a sovereign law of nature imprinted in the heart and nature of man, to which kings and legislators must everywhere bow. It was a set of ideas which lived and acted with an even greater animation from the days of the Reformation to those of the French Revolution. ... Spoken through the mouth of Locke (they had justified) the English Revolution of 1688 and had recently served to inspire the American Revolution of 1776. ... They were ideas of the proper conduct of states and governments in the area of internal affairs. They were ideas of the natural rights of man—of liberty, political and civic, with sovereignty residing essentially in the nation, and with free communication of thoughts and opinions; of equality before the law and the equal repartition of public expenses among all the members of the public; of a general fraternity which tended in practice to be sadly restricted within the nation, but which could, on occasion, be extended by decree to protect all nations struggling for freedom.[5]

These traditions were expounded in the treatises of philosophers, were developed in the tracts of the publicists, were absorbed by the lawyers and applied in the courts. At times of great stress some of the endangered traditions were committed to writing, as in the Magna Carta and the Declaration of Independence. For the guidance of judges and lawyers large portions were described—as in Lord Coke's examination of the common law. The public philosophy was in part expounded in the Bill of Rights of 1689. It was re-enacted in the first ten amendments of the

[5] Ernest Barker, *Traditions of Civility* (1948), pp. 10-12.

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> The rational faculty of man was conceived as producing a common conception of law and order which possessed a universal validity.... This common conception included as its three great notes the three values of Liberty, Equality, and the brotherhood or Fraternity of all mankind. This common conception and its three great notes have formed a European set of ideas for ... two thousand years. It was a set of ideas which lived and moved in the Middle Ages; and St. Thomas Aquinas cherished the idea of a sovereign law of nature imprinted in the heart and nature of man, to which kings and legislators must everywhere bow. It was a set of ideas which lived and acted with an even greater animation from the days of the Reformation to those of the French Revolution.... Spoken through the mouth of Locke [they had justified] the English Revolution of 1688, and had recently served to inspire the American Revolution of 1776.... They were ideas of the proper conduct of states and governments in the area of internal affairs. They were ideas of the natural rights of man—of liberty, political and civil, with sovereignty residing essentially in the nation, and with free communication of thoughts and opinions; of equality before the law and the equal repartition of public expenses among all the members of the public; of a general fraternity which tended, in the practice, to be sadly restricted within the nation, but which could on occasion be extended by decree to protect all nations struggling for freedom.

These traditions were expounded in the treatises of philosophers, were developed in the tracts of the publicists, were absorbed by the lawyers and applied in the courts. At times of great stress some of the endangered traditions were committed to writing, as in the Magna Carta and the Declaration of Independence. For the guidance of judges and lawyers large portions were described—as in Lord Coke's examination of the common law. The public philosophy was in part expounded in the Bill of Rights of 1689. It was re-enacted in the first ten amendments of the

Barker, *Traditions of Civility* (1948), pp. 10-12.

advantage in treating the struggle for the ultimate allegiance of men as not within the sphere of the public interest It was a way of not having to open the Pandora's box of theological moral and ideological issues which divide the Western society But in this century when the hard decisions have had to be made this rule of prudence has ceased to work The expedient worked only as long as the general mass of the people were not seriously dissatisfied with things as they were It was an expedient that looked towards reforms and improvement. But it assumed a society which was secure progressive expanding and unchallenged. That is why it was only in the fine Victorian weather before the storm clouds of the great wars began to gather that the liberal democratic policy of public agnosticism and practical neutrality in ultimate issues was possible

3 *The Neglect of the Public Philosophy*

WE COME, then to a crucial question If the discussion of public philosophy has been so to speak tabled in the liberal democracies can we assume that though it is not being discussed there is a public philosophy? Is there a body of positive principles and precepts which a good citizen cannot deny or ignore? I am writing this book in the conviction that there is It is a conviction which I have acquired gradually not so much from a theoretical education but rather from the practical experience of seeing how hard it is for our generation to make democracy work I believe there is a public philosophy Indeed there is such a thing as the public philosophy of civility It does not have to be discovered or invented It is known But it does have to be revi ed and renewed.

The public philosophy is known as *natu al law* a name which alas causes great semantic confusion This philosophy is the premise of the institutions of the Western society and they are I believe unworkable in communities that do not adhere to it. Except on the premises of this ph losophy it is impossible to reach intelligible and workable conceptions of popular election majority rule

Cf. M Hmer Adl "Th Doctrin f N tural Law in Ph losophy *U iv sity f N Dame N l Law Inst t P o* [illegible] I pp 63-84

busy man wantin to know how to do this or that they are now lamentably out of date The language is archaic the idiom is stran e the images are unfamiliar the practical precepts are addressed to forgotten issues

But this irrelevance and remoteness might be the dust which has settled during the long time when philosophers and scholars and popular educators have relegated the public philosophy to the attic when they have treated it as no longer usable by modern and progressive men It is a neglected philosophy For several generations it has been exceptional and indeed eccentric to use this philosophy in the practical discussion of public policies

Neglect might well explain its dilapidated condition If this were the explanation it would encourage us to explore the question of a renascence Could modern men again mak vital contact with the traditions of civility? At least once before something of the sort did happen The traditions were articulated in the Graeco-Roman world, and submerged in the West by the decline and the fall of the Western empire Later on they were revived and renovat d and remade in a great flowering of discovery and enterprise and creativity The revival of learning did not provide maps for Columbus to use in discoverin America But it did produce much human wisdom which helped Columbus and his contemporaries to discover themselves and their possibilities

The ancient world, we may remind ourselves was not destroyed because the traditions were false They were submerged, neglected lost For the men adhering to them had become a dwindling minority who were overthrown and displaced by men who were alien to the traditions having never been initiated and adopted into them May it not be that while the historical circumstances a e obviously so different something like that is happening again?

4 *The Unive sal Laws of the Rational Order*

FOR OVER two thousand years says Barker European thought has been acted up n by the idea that the rational faculties of men an produce a common concept on of law and order which possesses a un versal validity This concept on was first formulated as a theory by Zeno and the Stoics It was ab orbed by the Roman lawye s was adopted by the Christian father was re-establ shed and

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it is a necessary assumption in the government of large and heterogeneous states Alexander came to it in spite of Aristotle s teaching to the contrary His practical experience compelled him to see that in an empire which included the Persians as well as the Greeks there had to be a common law which was valid for both To be valid for both the Greeks and the Persians the law had in some significant degree to have their consent. The Persians could not be commanded and coerced

As in fact the laws were promulgated to the Persians by Alexander who was a Greek, it was necessary to convince the Persians that Alexander s laws reflected something that was higher than the will and the intentions of the Greeks something that was binding on both the Greeks and the Persians That something was the faculty of distinguishing by reason the good and the bad For this faculty was not peculiar to the Greeks but was common to both Persians and Greeks

Alexander had discovered empirically what Zeno was to formulate theoretically—that a large plural society cannot be governed without recognizing that, transcending its plural interests there is a rational order with a superior common law This common law is natural in the sense that it can be discovered by any rational mind that it is not the willful and arbitrary positive command of the sovereign power This is the necessary assumption without which it is impossible for different peoples with their competing interests to live together in peace and freedom within one community

The Roman lawyers worked out what Alexander had anticipated and what the Sto cs taught By the time of Cicero there were says Barker three different bodies and conceptions of law The first, called *us civil* was applicable only to Roman citizens The second was a body of commercial laws known as the *us g ntium* that were enfo ced by the Roman courts in all commercial cases The *ius ge t m* was meant to contain what was common and uni ersal separated from what was peculiar and

Cf O Gierk *N ur l Law nd h Th ry f Soc ty*
tra l d w th I troductio by Erne t Bark (1934) V l. I,
pp 224 2 5
Ib d p xxxvi
F d Z l "Th Sc ce f Law l *Th Legacy f R m*
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Cf Ott ... Gierk *N tural Law nd th Th ry f Soci ty*
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pp 224-2 5
Ibid p xxxv
F d Z) "Th Sci ce f Law m *Th Leg cy f R m*
ed ted by Bail y (O f rd Clar d n P ess 19 8) p 0

secularism to the progressive division and specialization of labor As the diversity of beli f opinion and interest became greater the need for a common criterion and for common laws became more acute

The new school of natural law was able to meet this need until the end of the eighteenth century That was long enough to preside over the founding of the British and th American constitutional orders and of those which derive from them But the school of natural law has not been able to cope with the pluralism of the modern age—with the pluralism which has resulted from the industrial revolution and from the enfranchisement and th emancipation of the masses of the people

In the simple and relatively homogeneous society of the eighteenth century natural law provided the principles of a free state But then the mode of such thinking went out of fashion In the nineteenth century little was done to remint the old ideas They were regarded as obsolete and false as hostile to the rise of democracy and they wer abandoned to the reactionaries The great frame of reference to the rational order was missing No body of specific principles and precepts was worked out in order to regulate international relations nor to cope with the problems raised by the industrial revolution and the advance of science and technology

Yet, in this pluralized and fragmenting society a public philosophy with common and binding principles was more necessary than it had ever been The proof of the need is in the impulse to escape from freedom which Erich Fromm has described so well It has been growing stronger as the emancipat on of the masses of the people from authority has brought the d ssolution of public general, objective criteria of the true and the false the right and the wrong I can assure you, wrote Andre Gide in 1928 that the feeling of *f e d m* can plunge the soul into a sort of angu sh

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Erich Fromm *Es p f m F d m*
Th J rnal f A d é G d (1947 51) V I III 19 8 1939 transl t d by J tin O'Brien
(19 Etienne Gilson, *Th U ty f Ph l ph l E p* ry f N 15 19 8 p 26 nc

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Th J rn l l A d é G d tra sl t d by Ju tin O Brien (1947 51) V l III 19 8 1939 try for Nov 15 19 8 p 26

Et ne Gilson, *Th Unity f Pl l ph al E p nc* (1937) 271

have become the lonely crowd that Riesman has de scribed They are Durkheim s anomic mass [22] They are Toynbee s proletarians who are of' but not in the com munity they live in for they have no stake in that com munity beyond the fact of its physical existence Their "true hallmark is neither poverty nor humble birth but is the consciousness—and the resentment that this consciousness inspires—of being disinherited They are as Karl Jaspers says men dissolved into an anony mous mass because they are "without an authentic world without provenance or roots without, that is to say belief and faith that they can live by

[22] D d Riesman, *Th Lo ly C d*
Emil Durkh m *S ic d*
Arn ld T ynbee *A St dy f Hist ry* (1951) V l I p 41
V l V p 63
Karl Jaspers, *Th Origi d Goal f His ry* translat d f om
th German d tion f 1949 by M ch l Bullock (L nd R ut
dg and K gan P ul Ltd. 1953) pp 1 7 1 8

In the prevailing popular culture all philosophies are the instruments of some man s purpose all truths are self centered and self regarding and all principles are the ra tionalizations of some special interest. There is no public criterion of the true and the false of the right and the wrong beyond that which the preponderant mass of vot ers consumers readers and listeners happen at the mo- ment to be supposed to want.

There is no reason to think that this condition of mind can be changed until it can be proved to the modern skeptic that there are certain principles which when they have been demonstrated, only the willfully irrational can deny that there are certain obligations binding on all men who are committed to a free society and that only the willfully subversive can reject them.

When I say that the condition of anomy cannot be corrected unless these things are proved to the modern skeptic I mean that the skeptic must find the proof compel ling. His skepticism cannot be cured by forcing him to conform If he has no strong beliefs he will usually con form if he is made to conform But the very fact that he has been forced by the government or by the crowd will prove that the official doctrine lacked something in the way of evidence or of reason to carry full conviction. In the blood of the martyrs to intolerance are the seeds of unbelief

In order to repair the capacity to believe in the public philosophy it will be necessary to demonstrate the practi cal relevance and the productivity of the public philoso- phy It is almost impossible to deny its high and broad generalities The difficulty is to see how they are to be ap- plied in the practical affairs of a modern state

We are back in a manner of speaking, before the Ro- man lawyers worked out the *ius gentium* and related it to the *ius naturale* back with Alexander the Great, who un derstood the pressin need for common laws in a plural society and with Zeno who formulated the higher gen eralities Given the practical need which is acute and the higher generalities wh ch are self-evident, can we de velop a positive working doctrine of the good society un der modern conditions? The answer which I am making to this question is that it can be done if the ideas of the publ c philosophy are recovered and are re-established in the m nds of men of light and leadin

mercial power and the comparatively simple problems of a society based on landed property were already over taken by the problems of an economy in which property was owned as money as commercial paper as stocks and bonds It was easy enough to assert rights to intangible property but difficult to define the duties of intangible property Yet unless that was done property would not be under general laws

Blackstone is in a way a tragic figure in that, thanks to his education he had the intimation that the right direc tion was to work toward bringing intangible property un der public standards Yet for one reason or another he did not take it. He was however troubled. He knew that nothing so generally engages the affections of mankind as that sole and despotic dominion which one man claims and exercises over the external things of the world in total exclusion of the right of any other in dividual in the universe But as a man steeped in the civilized traditions of the West, he knew too that there must be rational limits put upon the acquisitive and pos sessive instincts As a man of the world that is to say of his world and of the world that was to come he knew also how little the risin men of property wished to hear about obl gations that would limit their absolute rights

So with a certain regret, and perhaps with an intuitive foreboding he wrote that Pleased as we are with the pos session, we seem afraid to look back to the means by which it was acquired as if fearful of some defect in our title not caring to reflect that (accurately and strictly speaking) there is no foundation in nature or in natural law why a set of words upon parchment should convey the dominion of land why the son should have a right to exclude his fellow-creatures from a determinate spot of ground because his fathe had done so before him or why the occup er of a particular field or of a jewel when lying on his death bed and no longer able to maintain possession should be entitled to tell the rest of the world wh ch of them hould njoy it after him

Blackstone thought that these questions which chal lenge the sole nd despotic dominion of the property h lder would be useless and even troublesome in com mon life As man of his world he felt bound to say that t is well if the mass of mankind will obey the laws when

ercise "the sole and despotic dominion" over the land and the resources of nature The ultimate title does not lie in the owner The title is in mankind in *The People* as a corporate community The rights of the individual in that patrimony are creations of the law and have no other valid ty except as they are ordained by law The purpose of laws which establish private property is not to satisfy the acquisitive and possessive instincts of the primitive man, but to promote the grand ends of civil society — which comprehend "the peace and security of individuals

Because the legal owner enjoys the use of a limited necessity belonging to all men he cannot be the sovereign lord of his possessions He is not entitled to exercise his absolute and therefore arbitrary will. He owes duties that correspond with his rights His ownership is a grant made by the laws to achieve not his private purposes but the common social purpose And therefore the laws of property may and should be judged reviewed and when necessary amended so as to define the specific system of rights and duties that will promote the ends of society

This is a doctrine of p ivate property which denies the pretension to a sole and despotic dominion. When Blackstone though his conscience was troubled, accepted the sole and despotic dominion he broke with the public philosophy and the traditions of civility After his break the recognized theorists developed regressively the conception of private property as an absolute right. For a time they excluded from political philosophy from jurisprudence and from legislation almost any notion that property had duties as well as rights

Absolute private property inevitably produced intolerable e ils Absolute owners d d grave damage to their neighbors and to their descendants they ruined the fertility of the land they exploited destructively the minerals under the surface they burned and cut forests they destroyed the wild life they polluted streams they cornered supplies and formed monopoli s they held land and resources out of use they explo ted the feeble bargaining powe of wage earn rs

For such abuses of absol te p operty the pol tical scientists and the law m kers had no rem dy They had lost the tradition that property is the creation of the law for social purpo es They had no princ ples by which the law could deal with the abuses of property The indivd al ts of the [illegible]th century could not, the efore,

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Blackstone and his successors did not work out legal propositions from these principles. As I am contending that it would have been better if they had done so, I now ask myself what is the validity of these principles? Are they devices like the rules of the road for regulating the traffic? If they are only that, then another set of assumptions could be just as valid, like the rule of the road in Britain that one must drive to the left. One could, and in fact men have constructed systems of property on quite different assumptions—on the assumption, for example, that the earth is the general property of white men only, or of a master race of white men, or of those castes which have not sinned in a previous incarnation. But if the principles are more than that, if they have a validity which overrides such special claims, what is the virtue which gives them their validity?

They are the laws of a rational order of human society—in the sense that all men, when they are sincerely and lucidly rational, will regard them as self-evident. The rational order consists of the terms which must be met in order to fulfill men's capacity for the good life in this world. They are the terms of the widest consensus of rational men in a plural society.* They are the propositions to which all men concerned, if they are sincerely and lucidly rational, can be expected to converge. There could never be a consensus that Africa belongs to the descendants of the Dutch settlers; a property system founded on that pretension cannot be generally acceptable, and will generate disorder. The classical doctrine has a superior validity in that a system of property based upon it may obtain a consensus of support in the community and would have the prospect of being workable.

When we speak of these principles as natural laws, we must be careful. They are not scientific laws like the laws of the motions of the heavenly bodies. They do not describe human behavior as it is. They prescribe what it

*Good Society, Ch. 12.

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od *Society* Ch. 12.

ed e and survey of vice is in this world so necessary to the const tuting of human virtue and the scann ng of erro to the confirmation of truth, how can we more sa.ely and with less danger scout into the regions of sin and falsity than by reading all manner of tractates and hearing all manner of reason?

Th method of dialectics is to confront ideas with opposin ideas in order that the pro and the con of the dispute will lead to true ideas But the dispute must not be treated as a trial of strength. It must be a means of elucidation In a Socratic dialogue the disputants are arguing co-operatively in order to acquire more wisdom than either of them had when he began In a sophistical argument the sophist is out to win a case using rhetoric and not dialecti "Both al ke" says Aristotle are concerned with such things as come more or less within the general ken of all men and belong to no definite science But while dialectic is a process of criticism wherein lies the path to the principle of all inquiries rhetoric is concerned with the modes of persuasion

Divorced from its original purpose and justification as a process of criticism freedom to think and speak are not self-evi ent necessities It is only from the hope and the intention of discovering truth that freedom acquires such high public significance The right of self-expression is as such a priva e amenity rather than a public necessity The right to utter words whether or not they have meaning, and regardless of their truth could not be a vital interest of a great state but for the presumption that they are the chaff which goes with the utterance of true and significant words

But when the chaff of silliness baseness and deception is so voluminous that it submerges the kernels of truth freedom of speech may produce such frivolity or such mischief that it cannot be preserved against the demand for a restoration of order or of decency If there is a divid in line between liberty and l cense it is where freedom of speech is no longer respected as a procedure of the truth and becomes the unrestricted right to exploit the

Milton s *A eopagit* (Oxford U versity Press, 1949) pp 18-19
Rhe ic Bk I, Ch 1 1354 1 3
T p Bk. I Ch. 2, 101b3-4
Rh t Bk I, Ch. 1 1355 4

cern truth there are rules of evid nce and of parliamen tary procedure there are codes of fair dealing and fair comment, by which a loyal man will consider himself bound when he exercises the ri ht to publish opinions For the right to freedom of speech is no license to deceive and willful misrepresentation is a violation of its principles It is sophistry to pretend that in a free country a man has some sort of inalienable or constitutional right to d ceive his fellow men There is no more ri ht to deceive th n there is a ri ht to swindle to cheat, or to pick pock ets It may be inexpedient to arraign every public liar as w try to arraign other swindlers It may be a poor policy to have too many laws which encourage litigation about matters of opinion But, in principle there can be no im mu ty for lyin in any of its protean forms

In our time the application of these fundamental principles poses many unsolved practical problems For the modern media of mass communication do not lend them selves easily to a confrontation of opinions The dialecti cal process for finding truth works best when the same audience hears all the sides of the disputation This is mani festly impossible in the moving pictures if a film advocates a thesis the same audience cannot be shown another film des gned to answer it Radio and television broadcasts do permit some debate But despite the effort of the com panies to let opposin views be heard equally and to or ganize programs on which there are opposing speakers the t chnical conditions of broadcasting do not favor gen uine and productive d bate For the audience tuning on and tunin off here and there cannot be counted upon to hear even in summary form the main arguments on all the s gnificant sides of a ques tion Rarely and on very few publ c issues does the mass audience have the benefit of the process by which truth is s fted from error—the dialectic of debate in which there is immediate challenge reply cross-examination and re buttal The men who regula ly broadcast the news and comment upon the news cannot—l ke a speaker in the Senate or in the House of Commons—be challenged by one of their listeners and compelled then and there to verify their statements of fact and to re argue their infer ences f om the facts

Yet when genuine debate is lacking, freedom of speech does not work as it is meant to work It has lost the prin ciple wh lates it and justifies it—that is to say

paper press taken as a whole freedom is largely unrestricted by law Where confrontation is difficult, as in broadcasting, there is also an acceptance of the principle that some legal regulation is necessary—for example in order to insure fair play for political parties When confrontation is impossible as in the moving picture or in the so-called comic books there will be censorship

4. *The Limits of Dissent*

The counterrevolutionary movements have subjected the liberal democracies to severe stresses and strains how to insure their security and survival without abandoning their liberties. They are faced with popular movements aided and abetted by unfriendly foreign powers and employing the machinery of democratic governments to capture it and in order to abolish it. When they are working to attain power and before they do attain it, the fascist and communist parties invoke all the prerogatives of popular parties of the bill of rights of representation of the assemblies of tenure in the civil service. But when they attain power they destroy the liberal democratic institutions on which as on a broad staircase they climbed to power

This exploitation of free institutions is it seems to me compelling proof that these institutions are inseparable from the public philosophy If the connection is forgotten as is so generally the case in the contemporary democracies free institutions are poorly defended by the liberal democracies They are the easy prey of their enemies Either the fascists seize power in order to forestall the communists or the communists seize power to forestall the fascists

There is no equivocation in the public philosophy about the principle of the defense of free institutions. The rule is that the right to enjoy them and the duty to maintain them are inseparable The right to these institutions is that is to say for those who adhere to them

The criterion of loyalty is an indubitable commitment to defend and preserve the order of political and civil rights The question of whether the liberal democratic states should outlaw or in other ways contain counterrevolutionary movements is not one of principle but of expediency and practical prudence There is no doubt

already reached, on ..ll it will be reached if time enough is given. The arb trary will or other individual peculiari ties of a sufficiently large number of minds may post pone the general agreement in that opin on indefinitely but it cannot affect what the character of that opin on shall be when it is reached. This fin l op n on then is in dependent, not indeed of thought in general but of all that is arbitrary and individual in thought is qu te in dependent of how you, or I or any number of men think.

It is not poss ble to reject this faith in the efficacy of reason and at th same time to believe that communities of m n enjoying freedom could govern themselves suc cessfully

5 *The Mirror of History*

WE FIND then that the principle of freedom of speech, like that of private property falls within the bound of the publi philosophy It can be justified appli d regu lated in a plural society only by adhering to th postulate that there is a rational order of things in which it is pos sibl by sincere inquiry and rational debate to distin guish th true and the false the right and the wrong, th good which leads to the realizat on of human ends and the evil which leads to destruction and to the death of civility

Th free political institut ons of the Western world w re conceived and established by men who believed that honest reflection on the common experience of mankind would always caus men to come to the same ultimate conclusions Within the Golden Rule of the same philoso- phy for elucidating their ultimate ends they could engage with confident hope n the progressive discovery of truth All issues could be settl d by scientif c investigation and by free debate if—but only if—all the investigators and the debaters adhered to the publ c philosophy if that is to say they used the same criteria and rules of reason for

Cited i H bert W Schne der *A Hist ry of Ameri n Phi- losophy* (1946) p 517 From ev w f T ser' H ks f G B k ley in *Nor h Americ Review* V l CXIII (1871) pp. 455-456

mitted. The new generation is faced with the task of re discovering and re inventing and relearning by trial and error most of what th guardians of a society need to know

No one generation can do this For no one generation of men are capable of creatin for themselves the arts and sciences of a high civilization Men can know more than their ancestors did if they start with a knowledge of what their ancestors had already learned They can do ad vanced experiments if they do not have to learn all over again how to do the elementary ones That is why a society can be progressive only if it conserves its trad tions The generations are as Bernard of Chartres said like dwarfs seated on the shoulders of giants " enabled therefore to see more things than the Ancients and things more distant."[1]

But traditions are more than the culture of the arts and sciences They are the public world to which our private worlds are joined This continuum of public and pri vate memories transcends all persons in their immediate and natural lives and it ties them all together In it there is performed the mystery by which individuals are adopted and initiated into membership in the community

The body which carries this mystery is the history of the community and its central theme is the great deeds and the high purposes of the great predecessors From th m the new men descend and prove themselves by becoming participants in the unfinished story

Where I belong, says Jaspers and what I am living for I first learned in the mirror of history When th individual becomes civilized he acquires a second nature This second nature is made in the image of what he is and is living for and should become He has seen th im age in the mirror of history This second nature which rules over the natural man is at home in the good society This second nature is no proletarian but feels itself to be a rightful proprietor and ruler of the community Full al legiance to the commun ty can be given only by a man s second nature rul ng over his first and primitive nature and treating it as not finally himself. Then the discipl nes and the necessities and the constraints of a civilized life

C ted in Et enn Gilson, *Th Spirit f M d ev l Ph l sophy* (1940) p 426

Karl Jaspe *Orig nd Goal f Hist ry* (1953) p 271

citizen of Athens *They* are the appetites and m... the natural man For on... barbarian and...

The friends... day would per... that he should want to run away when he had the ... said that it was only "... that last... But Socrates chose to affirm the opposite to insist that he was most fully human because he was willing and able to govern his desires

Needless to say the lesson of this great story is not servility and conformism and it does not carry any implication that the people of Athens who condemned Socrates were right in their judgment. As Crito says when he has closed his eyes of all the men of his time whom I have known he was the wisest and justest and best The point of the story is that Socrates would not save himself because an Athenian citizen could not cheat the law least of all for his own personal advantage If Athens was to be governed, it must be by citizens who by their second natures preferred the laws to the satisfaction of their own impulses even to their own will to live Unless the citizens would govern themselves with such authority the Athenian city would be ungovernable If they followed their first natures Athens would be trampled down in the stampede.

This is the image of a man who has become fit to rule He is ruled within by his second and civilized nature His true self exercises the power of life and death over his natural self For it is the true person who has qualified as proprietor of the laws and institutions of Athens and of the ideal of life which they serve The necessities and the purposes of Athenian life are not something outside of Socrates something alien extraneous imposed and only reluctantly conformed with They are the ends of his own true character established in that part of his being which he calls himself

This is the inwardness of the ruling man—whatever his titles and his rank—that for the sake of his realm of his order of his regiment, of his ship of his cause he is the noble master of his own weaker and meaner passions Although this is the aristocratic code it is not inherent in prerogative and birth It is functional to the capacity to rule It is because aristocrats have been rulers and not be

Ibid 118

CHAPTER TEN

The Two Realms

1 *The Confusion of the Realms*

AGAINST man living in th civilized tradition who like Socrates rules his private impulses by the laws of the public world, there are arrayed the great adversaries. They tempt him with a total promise—that in a short and glorious strugl they will take him into the earthly heaven where he will realize all his hopes. The root of the matter is in these two conceptions of the human condition and the ultimate issue is in the conflict b tween them.

As the bitter end has become visible in the countries of the total revolution we can see how desperate is the predicament of modern men. The terrible events show that the harder they try to make earth into h aven the more they make it a hell.

Yet, the yearning for salvation and for perfection is most surely not evil, and it is moreover perennial in the human soul. Are men then doomed by the very nature of things to be denied the highest good if it cannot be materialized in this world and if as so large a number of modern men assume it will not be materialized in another world?

The answer to this qu stion is known. It can be had by recognizin the difference between the realm of existence where objects are materialized to our senses and the realm of essence where they are present to the mind. I am using the ambiguous but irreplaceable word essence as meanin the true and undistorted nature of things. The understanding of our relation to these two realms of being is exceed ngly difficult to communicat, so difficult that, as a matter of fact it has remained an esoteric wisdom.

Yet if there is a w y out of the modern predicament it begins I beli ve t here we learn to recognize the difference between the two realms. For the radical error of the modern democratic gospel is that it promises not the good life of thi ld but the perfect life of heaven. The root

There is a meaning given to the word liberty by Locke "the power a man has to do or forebear doing [illegible] any particular action." Here we are not free merely because we *may* do something: we must also be able to do [illegible] must have the faculty for doing it and the means to do it.

The word freedom has still another meaning in the classical and Christian tradition. As Montesquieu [illegible] freedom can consist only in the power of doing what we ought to will, and in not being constrained to do what we ought not to will. We are free if we have the [illegible] of knowing what we *ought* to do and the will to do it.

These are not merely verbal differences [illegible] ambiguity or equivocation. They are rather [illegible] complex idea. For when any one of the meanings [illegible] to a practical test, almost invariably we [illegible] the other meanings to correct its deficiencies [illegible] fore impossible to choose one meaning [illegible] others or in fact to come to rest in a [illegible] a total meaning.

There is no final resting point, because [illegible] things, as William James says, [illegible] ence. Whatever equilibrium our [illegible] are but provisional [illegible] everything [illegible] rounding world of other things [illegible] work there it will inevitably meet with [illegible] position from its neighbors [illegible] destroy it unless it can buy [illegible] some part of its original [illegible]

Words like liberty, equality, fr[illegible] various meanings which reflect [illegible] of things. The different [illegible] clothes, each good for a season [illegible] for a time of day, none good for [illegible] change and diversity of [illegible] definitions are [illegible] For as James [illegible] continuou[illegible]

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These are not merely verbal differences arising from ambiguity or equivocation. They are rather facets of a complex idea. For when any one of the meanings is put to a practical test almost invariably we have to turn to the other meanings to correct its deficiencies It is therefore impossible to choose one meaning, rejecting all the others, or in fact to come to rest in a conclusion which fixes a total meaning.

There is no final resting point, because "in the flux of things, as William James says things are off their balance Whatever equilibrium our finite experiences attain to are but provisional everything is in a surrounding world of other things And if you leave it to work there it will inevitably meet with friction and opposition from its neighbors Its rivals and enemies will destroy it unless it can buy them off by compromising some part of its original pretentions

Words like liberty equality fraternity justice have various meanings which reflect the variability of the flux of things The different meanings are rather like different clothes each good for a season for certain weather and for a time of day none good for all times In the infinite change and diversity of the actual world our conceptual definitions are never exactly and finally the whole truth For as James said while "the essence of life is its continually changing character our concepts are all discontinuous and fixed Like a winter overcoat, none can

John Locke, *An Essay Concerning Human Understanding*, edited by A. C. Fraser (Oxford Clarendon Press, 1894) V I I Bk. II Ch. XXI Sec. 15

Charles de Montesquieu, *The Spirit of Laws* Bk. XI, 3

William James, *A Pluralistic Universe* I *Essay in Radical Empiricism and A Pluralistic Universe* (1947) pp 88 90

deficiency But that is not the true mean Courage is not half cowardice and half rashness Temperance is not half self indulgence and half complete abstinence The true mean is at the tension of push and pull, of attraction and resistance among the extremes

The outcome as Aristotle said it would be is imprecise and inconclusive and there is little reason to think that the wisdom of the world can ever rise above these imperfections

3 The Law and the Prophets

NOR DOES the wisdom of the spirit solve precisely the perplexing problems of worldly conduct. For it is the vision of a realm of being in which the problems of earthly existence are not solved but transcended.

In the immediate urgent, and particular issues of daily life the major prophets the seers and the sages have remarkably little to offer by way of practical advice and specific guidance The deposit of wisdom in the Bible and in the classic books does not contain a systematic and comprehensive statement of moral principles from which it is possible to deduce with clarity and certainty specific answers to concrete questions He who goes to this wisdom looking for guidance of this sort will be disappointed. If he finds it there he must come to it by analogy and by inference The specific rules of conduct are not explicitly there Were they there the history of mankind would have been different. For terrible wars and poisonous hatreds arise among men who draw irreconcilably different practical conclusions from the same general principles

There is a hiatus between the highest wisdom and the actual perplexities with which men must deal. An encyclopedia of all that the prophets and the philosophers have taught will not tell a man clearly and definitely how to make laws how to govern a state how to educate his children—how in fact to decide the problems that the priest encounters in the confessional, the doctor with his patients, the lawyer with his clients the judge with the litigants the man of affairs in his business

Faced with practical decisions they need to know what choice they should make among the alternatives But concrete guidance of this sort can be found only incidentally in the prophets and the philosophers They

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the reference books to guide the priest in the confessional concerning the great variety of human issues.

The great multitudes of men everywhere and always have d mand.d detailed codes of conduct. They are necessary to their comfort, their convenience and their peace of mind, and no religion with a mass following is without its manuals of casuistry its Koran its Talmud its Calvin s Institutes For those who can live by the spirit alone have always been a mere handful little groups here and there shut away from and exalted above the normal lif of their times Without the casuists who legislate the specific rules translating and transmuting the inspired words into an intelligible system of ceremonial and legal precepts, the vision of the seer could not make much contact with the existential world.

4. The Realm of the Spirit

For the vision is not of this world but of another and radically different one The Apostles as a matter of fact, believed themselves to be livin in the last days of the world, and they made no provision for a systematic and definitive record of the sacred deposit But even if they h.d not believed that the end of the existing world was near it would still be true that what they taught is not addressed to this world but to a very different one.

There is for example the precept that we should love our enemies It has troubled the doctors of the Church as it has the common man Aquinas remarks that the good do not bear with the wicked to the extent of enduring the injuries done to God and their neighbors St. Chrysostom says that it is praiseworthy to be patient under one s own wrongs but the height of impiety to dissemble injuries done to God

The saying disintegrates when we attempt to treat it as a specific rule of polit cal conduct. What, then, is its wisdom? It is not the wisdom of the public world and of how

E cy l p dia f R ligio nd Ethi V l III p 241 Catholic Ency lopedia Vol III pp 416-417 Th S mma d Poeni tia t M 'rum l was prod d in 1235 From th n on til the p blicat f th las d f th Th l gia Moralis by St. Alphonsus Maria d Liguori 1785 there was an enormous output of specific rul s.

Edward Westermarck, Th Orig nd Dev lopm nt of th Mor l Id (1917) V l. I, pp 77 78

in the law and the prophets of the Old Testament "hath concluded all under sin They are addressed to unregenerate men to men as they are in the world to the sons of Adam and Eve who have suffered what Aquinas called a "wounding of nature In them reason has lost its perfect hold over the lower parts of the soul"

"The law says Saint Paul, was our schoolmaster It corrected our ignorance malice weakness and lust But after the faith in Christ is come we are no longer under a schoolmaster When our passions are transformed by allegiance to the other realm of being we do not need to be disciplined. The regenerate man says Saint Paul is not conformed to this world but is transformed in the renewing of his mind. In the City of God, says St Augustine sin shall have no power to delight, and men will "not be able to sin[3] They are led of the spirit and have been redeemed. They can, as Confucius said, follow what their hearts desire without transgressing what is right

5 *The Balance of Powers*

As A MAN awakens from his primordial condition where as Bacon said custom is the principal magistrate of his life, he finds himself living in two worlds and subject to two allegiances There is the familiar world which he knows through his senses and there is a world of which he has only intimations and knows only through the eyes of his mind He is drawn between the two disparate realms of being and the tension within them is the inexhaustible theme of human discourse To neither can he give his whole allegiance Their prevailing contrasts are his wretchedness Their occasional harmonies in the lives of saints and the deeds of heroes and the excellence of genius are his glory

In the traditions of civility the prevailing view has been that the two realms are inseparable but disparate and that man must work out his destiny in the balance which is never fixed finally between the two

This is a view which has however always been challenged. There are the hedonists who would withdraw wholly *into* the realm of existence to eat, drink and be

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stron enough to have unlimited dominion It is in the righting of the balance between them that reason escapes from the oppressions of excessive power and can realize its opportunities.

But while the separation of the powers of the churches and of the state is essential to a right relationship between them, the negative rule is not the principle of their right relationship Church and state need to be separate autonomous and secure But they must also meet on all the issues of good and evil.

These issues arise concretely in the fixing of public policy about the family marriage divorce the authority of the father and of the mother the guardianship of children, education, inheritance the distribution of wealth, crime and punishment, standards of taste loyalty and allegiance righteous and unrighteous war These issues as Pope Leo XIII said in the Encyclical *Immortale Dei* (1885) belong "to the jurisdiction and judgment of both the ecclesiastical and the civil power In all these matters the final word is in neither of the two realms of being There is in truth no final word Instead there are the provisional points of equilibrium of an unending tension among variable elements Where exactly the point of equilibrium will be in a particular place and at a particular time cannot be defined *a priori* It must be judged empirically within the postulates of the public philosophy For the elements which have to come into equilibrium are variables That is why governing is not engineering but an art That is why the same constitution and codes of laws cannot like the plans for a jet engine be used by all countries at any time or by any country all the time

6 *The Mechanism s of the Balance*

THE IDEA of the balancing of powers among states and within them has been used so long by so many in such different circumstances and with such different intentions that it is not as a recent critic puts it, "free from philological, semantic and theoretical confusion [1]

1 Ernst B Haas, "Th Balance of P wer Prescription, Con ept or Propaga d ?" W ld P l tics V l V No. 4 (July 1953) This ruel ts u t ry f d finitions and ppl ed meanings of the term r" in the fi ld of internat al r lations.

other they are neutralized and his power may then be sufficient to govern them.

This, we may say is the mechanical principle by which the perpetual and restless desire for power after power is brought into an order The desire for power has to be reduced. This can rarely be done and never for long by an omnipotent ruler Tyranny as Aristotle observed long ago, is short lived ! Nor can the desire for power be reduced sufficiently by education and exhortation As Montesquieu said, constant experience shows us that every man invested with power is apt to abuse it and to carry his authority as far as it will go Is it not strange though true to say that virtue itself has needs of limits? To prevent this abuse it is necessary from the very nature of things that power should be checked by power "

In the measure that power is checked by power that opposing powers are in balance neither can prevail Both are constrained within a common situation In this condition when the ponderable forces are in balance neither being able or willing to exert decisive force the imponderable means of reason become efficacious

Inter arma silent leges In the clash of arms the laws are silent. We may add that in the truce of arms the laws are heard.

Like any technical procedure the balancing of power to neutralize power can be used for good bad and indifferent ends There are many who would say that the good end which politicians always profess is merely the rationalization of the perpetual and restless desire for power after power 'The truth of the matter said Nicholas Spykman, s that states are interested only in a balance which is in their favor the balance desired is the one which neutralizes other states leaving the home state free to be the deciding force and the deciding voice

But of what matter is this the truth '? That particular states and we may add, particular parties factions and individual politicians are interested in a balance which is in their favor No doubt they are No doubt they hav Hobbes desire for power after power This is

P I I Book V Ch. 12, 1315b13
M tesquieu t. Book XI Sec. 4
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CHAPTER ELEVEN

The Defense of Civility

1 *The Thesis Restated*

WE HAVE now made a reconnaissance in the public philosophy in order to test the chances of its revival. Our warrant for making this attempt rests on certain general findings about the condition of the Western world.

The first is that free institutions and democracy were conceived and established by men who adhered to a public philosophy. Though there have been many schools in this philosophy, there are fundamental principles common to all of them: that, in Cicero's words, law is the bond of civil society, and that all men, governors and the governed, are always under, are never above, laws; that these laws can be developed and refined by rational discussion, and that the highest laws are those upon which all rational men of good will, when fully informed, will tend to agree.

The second finding from which we have proceeded in our inquiry is that the modern democracies have abandoned the main concepts, principles, precepts, and the general manner of thinking which I have been calling the public philosophy. I hold that liberal democracy is not an intelligible form of government and cannot be made to work except by men who possess the philosophy in which liberal democracy was conceived and founded. The prospects of liberal democracy in this time of mighty counterrevolutions are therefore bound up with the question whether the public philosophy is obsolete or whether it can be revived, reunited and renewed.

I believe that the public philosophy can be revived, and the reconnaissance which we have made has been a demonstration that when it is applied to such central concepts as popular sovereignty, property, freedom of speech and education, the public philosophy clarifies the problems and opens the way towards rational and acceptable solutions. The revival of the public philosophy d.pends [illegible]ther its principles and precepts—which

or even strictly speaking imagined in visual or tangible terms Yet these essences these abstractions which are out of sight and out of touch, are to have and to hold men's highest loyalties

The problem of communication is posed because in the modern world, as it is today most men—not all men to be sure, but most active and influential men—are in practice positivists who hold that the only world which has reality is the physical world Only seeing is believing. Nothing is real enough to be taken seriously nothing can be a matter of deep concern which cannot or at least might not, somewhere and sometime be seen heard, tasted, smelled or touched

Julius Caesar was a real person because we feel sure we could have seen him in Rome had we been there in his lifetime By the same kind of popular common sense communities have believed that werewolves were real. Had not a woman named Thiebenne Paget admitted that she was one of the wolves that was seen on July 18 1603 in the District of Couvres? To common sense the real is what, but only what we believe has weight, mass energy

> What's Hecuba to him or he to Hecuba that he should weep for her?

What are the ideas and ideals the laws and the obligations, of the rational order if like Hecuba they are not flesh and blood?

Common sense is positivist and credulous and the usual human way of satisfying it has been to materialize ideas when those ideas had to be treated as real Men have incarnated the gods they have re-embodied their ancestors they have personified the laws they have hypostasized their ideas They have made the abstractions and universals intelligible in concrete terms and so matters of genuine concern by connecting them with the realities of everyday experience

The difficulty of communicating imponderable truths to common sense is not a new one Through the ages truths that could not be materialized have been regarded as esoteric and communicable only to an initiated few

Th B rder C en F lkt l arra ged d ed t d by J m R

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> What's Hecuba to him or he to Hecuba that he should weep for her?

What are the ideas and ideals the laws and the obligations, of the rational order if like Hecuba they are not flesh and blood?

Common sense is positivist and credulous and the usual human way of satisfying it has been to materialize ideas when those ideas had to be treated as real. Men have incarnated the gods they have re-embodied their ancestors they have personified the laws they have hypostasized their ideas They have made the abstractions and universals intelligible in concrete terms and so matters of genuine concern by connecting them with the realities of everyday experience

The difficulty of communicating imponderable truths to common sense is not a new one Through the ages truths that could not be materialized have been regarded as esoteric and communicable only to an initiated few

Th W ld G [illegible] *F lk l* arra ged a d edi d by James R. F ster [illegible] 135

The Gospels state that there were mysteries which Jesus could unveil only to a few He said He who has ears to hear let him hear [2] But—

> When he was alone those who were about him with the twelve asked him concerning the parables. And he said to them To you has been given the secret of the kingdom of God but for those outside everything is in parables [3]

Only privately to his own disciples says Mark did he explain everything to the whole crowd he spoke the word as they were able to hear it he did not speak to them without a parable

Why? Because says Dante the divine mysteries are beyond the reach of human understanding—

> It is needful to speak thus to your wit since only through objects of sense does it apprehend that which it afterwards would make worthy of the intellect. For this the scripture condescends to your capacity and attributes feet and hands to God and means otherwise.

There is a need to condescend to our capacity because as Paul Tillich puts it, It is mpo [illegible] about [illegible] be it [illegible] concer [illegible] dividu [illegible] object of the most radical concern —the concern of love There is in consequence he says an inescapable inner tension in the idea of God" —between God conceived as transcending all that is particular and finite on the one hand and the concreteness of an image of God on the other In order to have a human concern there is needed a "being to being relationship a concrete God a God with whom man can deal in his religious experience

While Tillich is a theologian examining the meaning

[2] The Gospel According to St. Mark, IV 9
[3] *Ibid* IV 10-12.
Di l e Comedy translated by C. E. Norton (1941) *Paradis* Canto IV verses 40-45
[5] Paul Tillich, *Systematic Theology* (1951) Vol I Part II p 211

of God, which he defines as the name for that which concerns men ultimately his findings illuminate the problem which we are studying. How can men be concerned effectively with ideas and ideals that transcend their personal experience and cannot be verified empirically in the realm of existence? The principles of the good society call for a concern with an order of being—which cannot be proved existentially to the sense organs—which it matters supremely that the human person is inviolable that reason shall regulate the will that truth shall prevail over error

Because it is difficult to care about that which is not concrete there is in Tillich's language a tension in human experience In order to become concerned about to feel committed to transcendent objects we have to believe in them to believe in them they must be concrete they must in fact or in imagination be drawn into the orbit of our sense organs But as we condescend in this fashion to our capacity attributing foot and hand to God, the belief becomes involved with, often dependent upon the materialization Because of this dependence the belief is vulnerable For a little knowledge as for example that the foot and hand are a metaphor may destroy the belief.

3 Constitutionalism Made Concrete

EARLY in the history of Western society political thinkers in Rome hit upon the idea that the concepts of the public philosophy—particularly the idea of reciprocal rights and duties under law—could be given concrete ness by treating them as contracts In this way freedom emanating from a constitutional order has been advocated explained made real to the imagination and the conscience of Western men by establishing the presumption that civilized society is founded on a public social contract.

A contract is an agreement reached voluntarily *quid pro quo* and likely therefore to be observed—in any event, rightfully enforceable Being voluntary it has the consent of the parties The presumption is not only that one party has acceded to what the other party proposed but also that, in the original meaning of the word both parties have consented—that they have thought, felt and

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taste."[1] It is necessary somehow to give authority to these unwritten laws to invest them in some way with the reality of concreteness The public philosophers drew by analogy upon the Roman Law which presumed that in certain cases an agreement had been reached and an obligation incurred by acts unaccompanied by any express pact (*quasi ex contractu*)

The general idea that the unwritten laws of public behavior are contractual and rest on consent was materialized in myths of an original covenant entered into by the first ancestors and binding upon their descendants These myths which appear in many versions at various times and places make credible—by materializing it—the ethereal notion that civility is a fabric of understandings The Ark of the Covenant, says Deuteronomy contained the two tables of stone on which were written with the finger of God the Ten Commandments Now as a matter of fact, the Ark and the two tables of stone did not exist when Deuteronomy was compiled. But if they had never existed, how would the authors of Deuteronomy have convinced the Israelites that they must obey the Ten Commandments? They would not have gotten much obedience to the Commandments if they had told the Israelites that it was not certain but merely probable that they had been drawn up by Moses himself, and that it could be assumed that the Commandments reflected the considered judgment of Moses of how best to promote the greatest happiness of the greatest number of Israelites The Ten Commandments had a better chance of being obeyed by the Israelites if they were written by God, rather than by another Israelite And it was easier to believe that God did write them if once upon a time the two tables of stone had been deposited in the Ark of the Covenant.

Many in the modern age have rejected the idea of the contractual basis of power because as a matter of fact, there never was an historic contract. Bentham for example knew that the two tables of stone could not be found and he wrote that "the origination of governments from a contract is a pure fiction, or in other words a

[1] Lord Moulton, "Law and Manners," in *Atlantic Monthly* (July 1924)

[2] Charles Howard McIlwain, *The Growth of Political Thought in the West*, p 118

4 The Language of Accommodation

MEN HAVE been laboring with the problem of how to mak concrete and real what is abstract and immaterial ever since the Greek philosophers began to feel the need to accommodate the popular Homeric religion to the advance of science The theologians says Aristotle are like the philosophers in that they promulgate certain doc trin s but they are unlike them in that they do so in mythical form.[11]

The method of accommodation employed by the philosophers has been to treat the materialization in the myth as allegory as translation of the same knowledge into another language To converse with the devil, for example could then mean what literally it says—to talk face to face with the devil, a concrete materialized personage But it could mean also the imitation of a wicked nature without—as the Cambridge Platonist John Smith wrote "a mutual local presence that is to say without meeting a devil in person. This was an accommodation to those who believing in the wickedness of evil, could not believe in the personified devil The devil could mean either some apostate spirit as one particular being and also "the spirit of apostasie which is lodged in all men s natures This is the method of plural interpretation it uses "the language of accommodation " It is justified and legitimate said John Smith in his discourse entitled A Christian s Conflicts and Conquests " because "truth is content, when it comes into the world, to wear our mantles to learn our language to conform itself as it were to our dress and fashions it speaks with the most idiotical sort of men in the most idiot cal way and becomes all things to all men, as every sonne of truth should do for their good.

Werner Jaeger The Th ology f th Ea ly G k Phil sophers (The Gifford Lect es 1936) p 10 Cf. Aristotle, M t phy ics Bk III Ch. 4 1000a 4-18

Cf Basil W'lley The S h Ce tury B kg und (1952) Ch. IV

Ibid p 138 f

Ibid 9

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Cf. Basil Will y *Th Sev t nth Century B kgr nd* (195) Ch. IV

Ibid p 138 *t seq*

Ibid p 146.

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Werner Jaeger *Th Th logy f th Early G k Philosophers* (The Gifford Lect es, 1936) p 10. Cf. Arist tle, *M taphysics* Bk. III Ch. 4 1000 4-18

Cf. Basil Willey *Th Sevent en h C tury B kgr und* (1952) Ch. IV

Ibid p. 1 *t eq*

Ibid

that despite the innumerabl learned controversies of the lawyers, the theologians and the philosophers "all were agreed that there was natural law which, on the one hand, radiated from a principle transcending earthly power and on the other hand was true and perfectly binding law the highest power on earth was subject to the rules of natural law They stood above the Pope and above the Kaiser above the ruler and above the sovereign people nay above the whole community of mortals Neither statute nor act of government neither resolution of the people nor custom could break the bounds that thus were set. What ever contradicted the eternal and immutable principles of natural law was utterly void and would bind no one"[11]

But though there was agreement on this, there was deep controversy over whether the natural laws were the commands of God or whether they were the dictates of an eternal reason, grounded on the being of God and unalterable even by God himself How were men to imagine to materialize and make concrete the natural law which is above the Pope and the Kaiser and all mortals? As decrees of an omniscient and omnipotent heavenly king? Or as the principles of the nature of things? There were some who could not conceive of binding laws which had to be obeyed unless there was a lawgiver made in the image of the human lawgivers they had seen or heard about There were others to whose capacity it was not necessary to condescend with quite that much materialization.

The crucial point however is not where the naturalists and supernaturalists disagreed It is that they did agree that there was a valid law which whether it was the commandment of God or the reason of things was transcendent. They did agree that it was not something decided upon by certain men and then proclaimed by them It was not someone s fancy someone s wish or rationalization, a psychological experience and no more It is there objectively not subjectively It can be discovered It has to be obeyed

[11] Otto von Gierke *Political Theories of the Middle Age* translated with an Introduction by Frederick William Maitland (Cambridge University Press, 1927) Cf. pp. 73-87 and more especially Note 256.

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traditions of civility We are back in the war of all men against all men There is left no ground for accommoda tion among the varieties of men nor is there in this proclamation of anarchy a will to find an accommodation

And why we may ask, is there among such modern philosophers as these no concern like that of their great predecessors to find an accommodaton? It is not only because they themselves have ceased to believe in the metaphors—in the sacred images They have ceased to believe that behind the metaphors and the sacred images there is any kind of independent reality that can be known and must be recognized.

Thus they reject "the concept of truth as something dependent upon facts largely outside human control which as Bertrand Russell says, "has been one of the ways in which philosophy hitherto has inculcated the necessary element of humility When this check upon pride is removed a further step is taken on the road towards a certain kind of madness—the intoxication of power which invaded philosophy with Fichte and to which modern men whether philosophers or not are prone I am persuaded that this intoxication is the greatest danger of our time and that any philosophy which however un intentionally contributes to it is increasing the danger of vast social disaster "[18]

7 *The Mandate of Heaven*

At the end, then the questions are how we conceive of ourselves and the public world beyond our private selves Much depends upon the philosophers For though they are not kings they are we may say the teachers of the teachers In the history of Western governments says Francis G Wilson "the transitions of society can be marked by the changing character of the intellectuals who have served the government as lawyers advisers administrators who have been teachers in the schools who have been members of p ofessions like medicine and theology It is through them that doctrines are made to

Bertrand Russell *History / W st rn Philosophy* (1945) p 8"8

Francis G Wilson, Public Op n and th Intellectuals, in *Am ... ical Scienc Review* (June 1954)

6 The Death of God

As LONG then as both the philosopher and the theologian believe in the objective order there can be accommodation about the d [illegible] and kind of materialization. The range and variety of men's capacity to understand is very great So too must b the range and variety of the images which condescend to th ir varyin capacities We can therefore avoid much mi understanding if we do not confound the materializati n—whi h is the mode of communicating belief—with th subject of the belief For not until we go down under the comparatively sup rficial question o belief or unb li f in any parti ular materialization do we find th radi al pr bl ms of belief and unbelief

When Martin Bub r [illegible] f th great images of God fashioned by mankind h [illegible] that there can be many ima e [illegible] which has con [illegible] t ur [illegible] there can be no image The critical qu [illegible] do or do not believ [illegible] It turn on whether men they believe th [illegible] absolutely independ nt [illegible] a reality lowing Nietzsch [illegible] When Sartre fol point is not that h [illegible] however attenuate [illegible] th critical can be indeed th [illegible] the existence without any con [illegible] God There belief lies undern [illegible] deep religion in Sartre s saying that [illegible] un Father someone [illegible] It no meaning a p [illegible] d the meaning and value [illegible] He has choose [illegible]

With this Sartre has [illegible] Father but with the re [illegible] worlds there is a public w [illegible] what is good, what is right [illegible] If individual chooses to invent [illegible] the [illegible]

[16] Martin Buber Eclipse of God (1 [illegible]
[1] Jean Paul Sartre E [illegible] man (1947) p 58 See also Martin Bube [illegible]

ally discredited among contemporary men Because of that, what we may call the terms of discourse in public controversy are highly unfavorable to anyone who adheres to the public philosophy The signs and seals of legitimacy of rightness and of truth have been taken over by men who reject, even when they are not the avowed adversaries of, the doctrine of constitutional democracy

If the decline of the West under the misrule of the people is to be halted it will be necessary to alter these terms of discourse They are now set overwhelmingly against the credibility and against the rightness of the principles of the constitutional state they are set in favor of the Jacobin conception of the emancipated and sovereign people

I have been arguing, hopefully and wishfully, that it may be possible to alter the terms of discourse if a convincing demonstration can be made that the principles of the good society are not, in Sartre's phrase invented and chosen—that the conditions which must be met if there is to be a good society are there outside our wishes where they can be discovered by rational inquiry and developed and adapted and refined by rational discussion

If eventually this were demonstrated successfully it would, I believe rearm all those who are concerned with the anomy of our society with its descent into violence and tyranny Amidst the quagmire of moral impressionism they would stand again on hard intellectual ground where there are significant objects that are given and are not merely projected, that are compelling and are not merely wished Their hope would be re-established that there is a public world, sovereign above the infinite number of contradictory and competing private worlds Without this certainty their struggle must be unavailing

As the defenders of civility they cannot do without the signs and seals of legitimacy of rightness and of truth For it is a practical rule well known to experienced men, that the relation is very close between our capacity to act at all and our conviction that the action we are taking is right. This does not mean of course that the action is necessarily right. What is necessary to continuous action is that it shall be *believed* to be right

operate in practical affairs And their doctrin which they themselves have learned in the schools and universities will have the shape and the reference and th direction which the prevailing philosophy gives it

That is how and why philosophy and theology are the ultimate and decisive studies in which we engage In them are defined the main characteristics of the images of man which will be acted upon in the arts and sciences of the epoch The role of philosophers is rarely no doubt creative But it is critical in that th y have a deciding influence in determining what may be believed how it can be believed and what cannot be believed The philosophers one might say stand at the crossroads While they may not cause the traffic to move they can stop it and start it they can dir ct it on w ty or th other

I do not contend thou h I h p that th decline of Western society will b arr t d if the tea hers in our schools and universitie com back t the great tradition of the publi philosophy But I do contend that the decline which is alr ady far adv n l nn t be arrested if the prevailing phil ph r opp this re toration and revival if they impu n rath r th n upp rt the validity of an ord r whi h i uperi r t th valu that Sartre tells each man to inv nt

What the prevailin phil ph say about religion is not its lf in T ll h t rr r n i in ultimate concern of wor hip n l l B the phil s phers teach that r ligi n xp ri t ar ly p ychol gical phenomen n r l t d t n h h h t l h man psy chic condition th n th y ll t l m n i bad intellectual c n t n it j r xperi nces The philosopher cann t t n r l n B t th y can keep them away fr m it

Philosophers play th t r l n r lat n t t prin ciples of the good t y l r q r h n the mastery of hum n natu n th r ly n t red rational second natur In h l t r l t th prin ples of the good society mu t b unp p l ntil th y have prevailed sufficiently to alt r th p n l impul For the popular impulses are opp d t p blic pri ples These principles cannot be m i t t r il f th y are discredited —if they are dismi ed per t n obscurantism as meaningless metaphy i a rea t n as self-seeking rationalizations

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